

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (BA) NO.634 OF 2018

(Vivek s/o Jagannath Kawtekar Vs. State of Mah thr. PSO PS Durgapur, Dist.
Chandrapur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 13th JULY, 2018.

1] The short submission of the learned counsel for the applicant is that even if the material on record is taken at face value the offence which is made out is under section 379 of the Indian Penal Code.

2] The submission, at least *prima facie*, is not unfounded.

3] The applicant is in custody since 14.07.2017. It is true that the trial has commenced, as it is submitted by the learned A.P.P. Shri Lokhande. But then, since *prima facie* section 392 of the IPC is not attracted and the applicant has already suffered incarceration of a year, there is no reason why he should continue to languish in jail.

4] The application is allowed.

[i] The applicant be released on bail on his furnishing a personal bond of Rs.15,000/- with a solvent surety of the like amount.

- [ii] The applicant shall attend the dates of hearing regularly and shall co-operate in expeditious disposal of the trial. Any breach of this condition shall entitle the prosecution to seek cancellation of bail.
- [iii] The applicant shall not tamper with the evidence nor shall the applicant directly or indirectly attempt to influence the witnesses in any manner.

JUDGE