

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

CRIMINAL APPLICATION (BA) NO.911 OF 2021

(Pradip Premasukhdas Rathi Vs. State of Maharashtra thr. PSO PS Khamgaon City,
Tah. Khamgaon, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. A. D. Bhate, Advocate for Applicant.
Mr. N. R. Rode, APP for Non-Applicant/State.
Ms. Falguni Badani, Advocate assist to prosecution.

CORAM: ROHIT B. DEO, J.

DATE: 4th OCTOBER, 2021.

The applicant is seeking bail in connection with Crime 339/2021 registered with the Khamgaon City Police Station under sections 406 and 420 of the Indian Penal Code (IPC), on the basis of the complaint lodged by Mr. Shivshankar Shukla.

2. The investigation is complete and the charge-sheet is filed on 29.06.2021.

3. The offence attracts maximum punishment of seven years. Considering that the investigation is complete and the charge-sheet is filed, further incarceration would only be a pre-trial punishment particularly since it is not even the case of the prosecution that the applicant poses a flight risk.

4. The substratum of the prosecution case is that taking advantage of the fact that the complainant did not effect the mutation in relation to the plot which the applicant had sold to him way back in the year 1982, the applicant sold the same plot to some other person in 2013. The documentary material is seized and forms part of the charge-sheet. There is no possibility of the applicant being in a position to tamper with the evidence.

5. The application is allowed.

6. The applicant be released from custody subject to the following conditions:

- (i) The applicant shall execute the personal bond of Rs.16,000/- (Rupees Sixteen Thousand only) with one solvent surety of the like amount.
- (ii) The applicant shall not make any attempt to influence the witnesses, directly or indirectly.
- (iii) The applicant shall not leave the country without the permission of the trial Court.

JUDGE