

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

CRIMINAL APPLICATION (ABA) NO.638/2021

Sujit s/o Narendra Bansod

..VS..

State of Mah., thr.PSO Gondia City, Tahsil and District Gondia

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

Court's or Judge's Order

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Shri S.P.Bhandarkar, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : DECEMBER 09, 2021.

1. Heard learned counsel Shri S.P.Bhandarkar for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Also, perused reply filed on behalf of the prosecuting agency.

2. By this application, the applicant is seeking his pre-arrest bail since he is apprehending his arrest in connection with Crime No.645/2021 registered with Gondia City Police Station, Gondia for offences punishable under Sections 452, 323, 294, and 354 read with Section 34 of the Indian Penal Code.

3. The applicant is already protected by this Court (Coram : Vinay Joshi, J.) on 24.9.2021 with a condition that he shall attend the police station on every Sunday, till further orders.

4. Today, learned Additional Public Prosecutor Shri V.A.Thakare for the State, submits that the applicant has scrupulously followed the condition imposed upon him.

The statement is accepted.

5. It appears from reply filed on behalf of the prosecuting agency that initially when complaint was lodged by first informant, the said was registered as non cognizable offence and, thereafter after making enquiry, the present crime is registered. However, learned Additional Public Prosecutor could not point out as to whether in non cognizable offence permission was obtained from learned Magistrate to conduct enquiry.

6. After having gone through contents of the application and reply on behalf of the State and in view of fact that the applicant has already attended the police station and joined investigation, in my view, custodial presence of the applicant is not at all necessary. Hence, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) In the event of arrest of applicant-Sujit s/o Narendra Bansod, in connection with Crime No.645/2021 registered with Gondia City Police Station, Gondia for offences punishable under Sections 452, 323, 294, and 354 read with Section 34 of the Indian Penal Code, he be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(3) The applicant shall attend the police station as and when his presence is required by Investigation Officer for investigation. However, for that Investigating Officer shall

give him a 48 hour written communication.

(4) The applicant shall not tamper with the prosecution case and shall not give any type of threat to complainant.

With this, the criminal application stands disposed of accordingly.

JUDGE

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