

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

CRIMINAL APPLICATION (BA) NO.184 OF 2022

Kishorilal S/o Hiralal Daharwal

Versus

State of Maharashtra, through P.S.O., P.S. Bhandara

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Mir Nagman Ali, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 20/06/2022

1. The applicant is seeking bail in Crime No.795 of 2017, dated 11.12.2017, registered with Police Station Bhandara, District: Bhandara, for the offences punishable under Sections 420, 467, 468, 469 and 511 of the Indian Penal Code.

2. Shri Ali, learned counsel for the applicant submits that the applicant is in jail since about two years and there is no progress in the trial. It is submitted that custody of the applicant is no more required, as the charge-sheet has already been filed, after completion of investigation.

3. He submits that maximum punishment is seven years and as the applicant is in jail from last about two years, keeping the applicant further in the custody would

amount to pre-trial punishment. Accordingly, he prays for grant of bail.

4. On the other hand, Ms Shamsi Haider, learned APP strongly opposes the present application.

5. I have perused the charge-sheet and the First Information Report (FIR).

6. There is one more crime, of similar nature against the applicant. However, it is revealed that in the said crime when the applicant was arrested, the applicant and other accused persons disclosed the commission of present offence, as such there are two offences of similar nature against the applicant.

7. There are thirteen accused persons in the present matter out of thirteen, ten accused persons have already released on bail.

8. Till date, the charge is not framed. Thus, there is no possibility that the trial will be concluded in near future. In that view of the matter, there is no point in keeping the applicant in jail for uncertain period, otherwise, it would amount to pre-trial punishment.

9. In the circumstances, I am of the opinion that with some stringent conditions, the applicant shall be released on bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.795 of 2017, registered with Police Station Bhandara, District: Bhandara, for the offences punishable under Sections 420, 467, 468, 469 and 511 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.
- f) The State is granted liberty to move an application for cancellation of bail, in case, the applicant repeats similar offence.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]