

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

Criminal Application (BA) No. 217 of 2022

Kistayya Pocham Page and others

Versus

State of Maharashtra, through Police Station Officer, Repanpalli, Tah.
Aheri, Dist. Gadchiroli

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

Court's or Judge's Order

Shri A.R.Fule, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 8th JUNE, 2022.

The applicant is praying for grant of bail under Section 439 of the Code of Criminal Procedure in Crime No. 3 of 2020 dated 14th December, 2020 registered with Police Station Repanpalli, Tah. Aheri, Dist. Gadchiroli for the offences punishable under Section 307 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant has argued as follows :-

a) The date of incident is 13th December, 2020, whereas the statement of the injured was recorded on 10th January, 2021.

b) Though the applicant was hospitalized for four days and he was discharged after four days, no statement was recorded immediately thereafter.

c) The applicants were arrested on 12th January, 2021 and since then for about one and half year, the applicants are in jail.

d) After completion of investigation, the chargesheet has been filed and no further custody is necessary in this case.

3. On the other hand, learned Additional Public Prosecutor has opposed the present application and argued as follows:

i) The injured has stated the name of the applicants.

ii) There is sufficient material collected by the Investigating Officer and the same has been filed alongwith chartgesheet.

4. I have perused the chargesheet and the contents of the First Information Report.

5. Alleged incident was occurred on 13th December, 2020 and on next date on 14th December, 2020 the report was lodged. It can be further seen that

the injured was hospitalized and he was discharged after four days. The statement of the complainant/injured filed alongwith chargesheet shows that it was recorded on 10th January, 2021 i.e. much after the date of discharge of the applicant. As the investigation is completed and the chargesheet has been filed, the custody of the applicant is not necessary in this case.

6. The applicants are in jail for about one and half years and nothing has been pointed out from record to show that there is any possibility that the applicants may pressurize the prosecution witnesses or tamper the prosecution witnesses or they will not be available for trial. In the circumstances, I pass the following order:

i. It is directed that the applicants shall be released on bail in Crime No. 3 of 2020 dated 14th December, 2020 registered with Police Station Repanpalli, Tah. Aheri, Dist. Gadchiroli for the offence punishable under Section 307 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.15,000/- each with a solvent surety in the like amount.

The application is accordingly disposed of.

[ANIL S. KILOR, J.]

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by
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