

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

Criminal Application (ABA) No.252/2022

Jitendra Kolhe V State of Maharashtra thr PSO PS Saoner, Nagpur and another

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

Court's or Judge's Orders

Shri S.D. Chande, Advocate for applicant.

Mrs. Mrunal Barabde, APP for State.

Ms Sonali Saware, Advocate for non-applicant no.2.

CORAM : ANIL S. KILOR, J.

DATE : 10-06-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0215/2022 dated 21-03-2022 registered with Police Station Saoner, District Nagpur (Rural) for the offences punishable under Sections 366, 376, 504, and 506 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that he has been falsely implicated in the alleged offence. It is further

submitted that on considering the allegations made in the First Information Report (FIR) on its face value, Section 376 does not attract. He further submits that the custody of the applicant is not necessary.

3. On the other hand, the learned APP strongly opposed the application.

4. I have perused the case diary and also the contents of the FIR. The conduct of the applicant shows that there is a possibility that he may not be available for trial in case he is released on bail. Furthermore, there is a possibility that he may pressurize the victim or the prosecution witnesses. The offence is serious in nature and for investigation the custodial interrogation of the applicant is necessary. Hence, I am not inclined to grant bail.

5. The application is rejected.

(Anil S. Kilor, J.)