

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

Criminal Application (BA) No.362/2022

Imran Khan Mahemood Khan V State of Maharashtra thr PSO PS Khamgaon City,
Buldhana 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.V. Sirpurkar, Advocate for applicant.
Mrs. S.Z. Haider, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 15-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0899/2021 dated 20-11-2021 registered with Police Station Khamgaon City, District Buldhana for the offences punishable under Sections 354-D, 376 and 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offence Act.

2. The learned Counsel for the applicant submits that after completion of investigation, the chargesheet has been filed and further custody of the applicant is not necessary. It is submitted that the applicant has been falsely implicated in the alleged offence. He further argued that there are no criminal antecedents against the applicant. Accordingly, he prays for grant of bail.

3. The learned APP, on the other hand, strongly opposed the application and submits that the offence is serious. Accordingly, she prays for rejection of the bail application.

4. I have perused the case diary and the contents of the First Information Report (FIR). From the record it reveals that after completion of the investigation the chargesheet has been filed. Thus, the custody of the applicant is not necessary. The applicant is in jail since 20-11-2021 for about 8 months and there are no criminal antecedents to discredit the applicant. Furthermore, there is no possibility that in near future the trial will commence.

5. In that view of the matter and in view of the fact that there is nothing to show that if the applicant is released on bail he would pressurize the prosecution witnesses or tamper the prosecution evidence and/or he will not be available for the trial. I am of the opinion that as the applicant is in jail and there are no criminal antecedents against him, he is entitled for grant of bail. Accordingly, I pass the following order :-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0899/2021 dated 20-11-2021 registered with Police Station Khamgaon City,

District Buldhana for the offences punishable under Sections 354-D, 376 and 506 of the Indian Penal Code and Sections 4 and 8 of the Protection of Children from Sexual Offence Act, be released on bail on furnishing P.R. Bond of Rs. 15,000/- with one solvent surety in the like amount.

iii) The applicant shall not enter within the vicinity of Khamgaon City till the completion of trial, except for the purposes of attendance in trial.

(Anil S. Kilor, J.)