

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

CRIMINAL APPLICATION (BA) NO.393 OF 2022

(SHREYAS ANIL MESHARAM....VS.. STATE OF MAH. THR. PSO PS NANDANVAN NAGPUR)

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

Court's or Judge's orders

Shri J.M.Gandhi, Advocate for Applicant.
Shri A.M.Deshpande, A.P.P. for Non-applicant /State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 15, 2022.

1. Heard.
2. This is an application under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No.679 of 2021, registered with Police Station, Nandanvan, Nagpur for the offences punishable under Sections 302, 323 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that after completion of investigation charge-sheet has been filed and further custody of the applicant is not necessary. He further submits that 15 days before the death of deceased dog had bitten him and there is a sufficient material to show that the deceased had symptoms of dog biting, which fact has come in the statement of grandmother of the deceased. It is submitted that the deceased fell down on his head because of above

referred reason and suffered a head injury. It is submitted that the applicant has been falsely implicated in the alleged offence.

4. The learned counsel for the applicant submits that the trial is not commenced and even if commenced, it will take long time to conclude. Accordingly, he prays for grant of bail.

5. The learned A.P.P. strongly opposes the application and submits that there is sufficient material to show the involvement of the applicant. The story of dog biting can be the part of the trial but the same cannot be considered for grant of bail.

6. I have perused the charge-sheet, which has been filed after completion of investigation, which further shows that further custody of the applicant is not necessary. From the charge-sheet, prima-facie, it appears that there was no such intention of the applicant to cause death to the deceased.

7. In the statement of witnesses the incident of dog biting is mentioned, however, that can be the part of the trial.

8. At this stage, as the investigation is over and charge-sheet is filed, I am of the opinion that no further

custody of the applicant is necessary. Moreover, there are no criminal antecedents to the discredit of the applicant. The applicant is in jail since 25/12/2021 and there is no possibility that in near future the trial will be concluded as till date even the charge is not framed. Moreover, there is nothing to show that if the applicant is released on bail there is any possibility that he would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for trial.

9. In that view of the matter, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) It is directed that the applicant shall be released on bail in connection with Crime No.679 of 2021, registered with Police Station, Nandanvan, Nagpur for the offences punishable under Sections 302, 323 read with Section 34 of the Indian Penal Code on furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.
- iii) The applicant shall not enter the jurisdiction of Police Station, Nandanvan, Nagpur, till completion of the trial.

- iv) The applicant shall attend the trial before the Sessions Court regularly on every date unless granted exemption by the Sessions Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

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