

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

Criminal Application (BA) No. 377 of 2022

Vijendra Ramesh Chavhan

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Shirpur, Dist. Washim

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

Court's or Judge's Order

Ms. Poonam Pisurde Adv h/f Shri S.V.Sirpurkar,
Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 21st JUNE, 2022.

The applicant is seeking bail in Crime No.292 of 2021 dated 17th September, 2021 registered with Police Station Shirpur, Dist. Washim for the offence punishable under Section 395 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the custody of the applicant is no more required as the chargesheet has already been filed. Further more the applicant is in jail since last nine months and there is no possibility that the trial would commence and conclude in near future. She submits that keeping the applicant in

jail without any purpose would amount to pre-trial punishment.

3. On merit, she submits that there is no material to support the allegation that the complainant was having Rs.16,00,000/- on the date of incident. She therefore submits that the applicant is falsely implicated in the alleged offence and thus, she prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor opposed the application and submits that there are criminal antecedents and in 2012 similar offence was registered against the applicant and there is every possibility that applicant may repeat the same offence. Therefore, he submits that the application may be rejected.

5. I have perused the chargesheet and the reply filed by the State.

6. In this case after completion of investigation, the prosecution has filed chargesheet and as such custody of the applicant is no more required. Moreover, yet the charge is not framed and there is no possibility that the trial will be commenced and it will be concluded in near future. Applicant is in jail since last nine months. Though there is criminal antecedents, however, in the above backdrop some stringent

condition can be imposed while granting bail. Accordingly, I pass the following order:

- i. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 292 of 2021 dated 17th September, 2021 registered with Police Station Shirpur Dist. Washim for the offence punishable under Section 395 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.
- iii. The applicant shall attend the concerned police station on 1st and 16th day of every month between 10 am to 12 noon till conclusion of the trial.
- iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case and also not to tamper with the evidence;
- v. The applicant shall not leave the jurisdiction of the concerned police station without permission of the Court;
- vi. Liberty is granted to the State to move an application for cancellation of bail, if the applicant repeats the offence.

[ANIL S. KILOR, J.]

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by
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