

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

CRIMINAL APPLICATION (BA) NO.440 OF 2022

(SALIM SHAH SHER ALI SHAH...VS.. STATE OF MAH. THR. PSO PS MEHKAR.)

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

Court's or Judge's orders

Shri A.K.Bhangade, Advocate for Applicant.
Ms Mrunal Barabde, 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 FIR/Crime No.422 of 2021, registered with Police Station, Mehkar, District : Buldhana for the offences punishable under Sections 302, 307, 504, 506 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that as the investigation is over and the charge-sheet has been filed further custody of the applicant is no more required.
4. It is submitted that there was no intention of the applicant to commit murder.
5. On the other hand, the learned A.P.P. strongly opposes the application and submits that the offence is very serious.

6. I have perused the charge-sheet. In this case, after completion of the investigation, charge-sheet has been filed in the month of December 2021 and as such custody of the applicant is not required. The applicant is in jail since September 2021 i.e. for about nine months.

7. Considering the allegations made in the F.I.R. and after going through the post mortem report, I am of the opinion that further custody of the applicant is not necessary.

8. Further more, there is nothing to point out that if the applicant is released on bail there is any possibility that the applicant may pressurize the prosecution witnesses or tamper with the evidence of the prosecution or he will not be available for trial.

9. In the circumstances, I am of the opinion that the applicant is entitled for grant of bail on certain conditions. Accordingly, I pass the following order:

- i) The application is allowed.
- ii) It is directed that the applicant shall be released on bail in FIR/Crime No.422 of 2021, registered with Police Station, Mehkar, District : Buldhana for the offences punishable under Sections 302, 307, 504, 506 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 vicinity of Mehkar town, District : Buldana, till completion of the trial, except for trial.
- iv) The applicant shall not pressurize the prosecution witnesses or tamper with the evidence of the prosecution.
- v) 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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