

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

CRIMINAL APPLICATION (BA) NO.462 OF 2022

Mohammad Samir Mohammad Taslim **Versus** State of Maha. thr. PS Malkapur City,
District Buldhana.

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

Court's or Judge's Order

Shri A.D. Bhate, Adv. for applicant.

Shri A.M.Deshpande, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 20/06/2022

1. Heard.
2. The applicant is seeking bail in Crime No. 106/2022, dated 05/03/2022, registered with Police Station Malkapur City, District-Buldhana, for the offence punishable under Section 395 of the Indian Penal Code.
3. Learned counsel for the applicant submits that out of four accused persons, three have already been released on bail. It is submitted that the custody of the applicant is no more required, as the charge-sheet has already been filed in this case. He, accordingly prays for grant of bail on the ground of parity.
4. Shri A.M.Deshpande, learned APP for the non-applicant/ State has strongly opposes the present application. Learned APP points out that there is criminal antecedents at the discredit of the applicant.
5. In this case, there are four accused persons, including the applicant. This Court, vide order dated 16/06/2022 in Criminal

Application (BA) No. 503/2022 has released one co-accused on regular bail, whereas the other two accused persons have released on bail by the learned Sessions Court. Thus, three accused persons have already been released on bail.

6. The custody of the applicant is not necessary in this case, as the charge-sheet has already been filed. In the circumstances, the applicant is entitled for grant of bail and parity. As far as the criminal antecedents are concerned, stringent conditions can be imposed.

7. Moreover, there is nothing to point out that if the applicant is released on bail, there is any possibility of pressurizing the prosecution witnesses or tampering the prosecution evidence or he will not be available for trial. In that view of the matter, 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.106 of 2022, registered with Police Station, Malkapur, District: Buldhana for the offences punishable under Section 395 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 tamper with the prosecution evidence.
- iv) The applicant shall not leave the jurisdiction of the concerned Police Station without leave of this Court.

- v) The State is granted to liberty to move the application for cancellation of bail, in case the applicant repeats the similar offence.

The Criminal Application is **disposed of** accordingly

JUDGE