

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

Anticipatory Bail Application No. 321 of 2022

Narendra S/o Kashiram Rathod

Versus

State of Maharashtra, through Police Station Officer, Barshitakli, Akola

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

Court's or Judge's Order

Shri S.V.Sirpurkar, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 17th MAY, 2022.

The applicant is seeking pre-arrest bail in Crime No. 133 of 2022 dated 16th March, 2022 registered with Police Station Barshitakli, District Akola for the offence punishable under Section 306 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant has argued as follows :-

a) The applicant has been falsely implicated in this case.

b) The custody of the applicant is not necessary.

c) The allegations are vague in nature.

3. On the other hand, learned Additional Public Prosecutor has opposed the present application and argued as follows:

i) There is sufficient material available on record to show the involvement of the applicant.

ii) The custody of the applicant is necessary for further investigation.

4. Having perused the contents of the First Information Report it is revealed that the allegations made in the First Information Report are vague in nature. On perusal of the case diary, I am of the opinion that there is no prima facie incriminating material available on record to show the involvement of the applicant in the alleged offence. The allegations are general in nature. There is no independent witness namely any neighbour or other than close relative to support the case of the prosecution. Thus, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

ORDER

- i. Criminal application is allowed.
- ii. In the event of arrest of the applicant in Crime No. 133 of 2022 dated 16th March, 2022 registered with Police Station Barshitakli, District Akola for the offences punishable under Section 306 read with Section 34 of Indian Penal Code, 1860, the applicant 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 attend the concerned Police Station as and when his presence is required.

[ANIL S. KILOR, J.]

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