

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

CRIMINAL APPLICATION (BA) NO.503 OF 2022

(SHAHRUKH KHAN FIROZ KHAN....VS.. STATE OF MAH. THR. PSO PS MALKAPUR CITY, DIST.
BULDANA)

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

Court's or Judge's orders

Shri A.R.Prasad, Advocate for Applicant.
Shri T.A.Mirza, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : JUNE 16, 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.106 of 2022, registered with Police Station, Malkapur, District: Buldhana for the offences punishable under Section 395 of the Indian Penal Code.
3. The learned counsel for the applicant submits that the custody of the applicant is not necessary as the charge-sheet has been filed after completion of the investigation. It is submitted that the applicant is in jail since 05/03/2022. It is further submitted that there are no criminal antecedents to the discredit of the applicant. On merit, it is submitted that the allegations are of stealing of Battery amounting to Rs.6,000/- and two iron girders worth Rs.5,000/-. Accordingly, he prays for grant of bail.

4. On the other hand the learned A.P.P. strongly opposed the application.

5. I have perused the charge-sheet which has been filed after completion of the investigation. As the investigation is completed, no further custody of the applicant is necessary in this case.

6. Looking to the fact that there are no criminal antecedents to the discredit of the applicant and as there is no possibility that in near future trial will be commenced and it will be concluded in a reasonable period, I am of the opinion that the applicant is entitled for grant of bail. There is nothing to point out that there is any possibility that the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for trial, 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.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 the Court.
- v) The applicant shall attend the trial before the Sessions Court regularly on every date unless exemption is granted by the Sessions Court.

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

JUDGE

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