

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

CRIMINAL APPLICATION (BA) NO.488 OF 2022

(ABHISHEK ANIL HIWANJ....VS.. STATE OF MAH. THR. PSO PS HINGANGHAT, DIST. WARDHA)

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

Court's or Judge's orders

Shri T.U.Tathod, Advocate for Applicant.
Shri V.A.Thakre, 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.002 of 2022, registered with Police Station, Hinganghat, District: Wardha for the offences punishable under Sections 109, 120-B, 143, 147, 148, 149, 294, 307, 323, 324, 452, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959.
3. The learned counsel for the applicant submits that the custody of the applicant is not required as after completion of investigation charge-sheet has been filed. It is submitted that the injured was discharged in three days from the hospital, which shows that the injuries were not grievous.
4. The learned counsel for the applicant lastly argues that all other accused persons have been released on bail and as such the applicant is entitled for parity.

5. On the other hand the learned A.P.P. strongly opposed the application and submits that looking to the antecedents there is every possibility that if the applicant is released on bail he may pressurize the prosecution witnesses and in that event there will be no fair trial.

6. I have perused the charge-sheet, F.I.R. and the reply filed by the State.

7. As the investigation is complete and charge-sheet has been filed no further custody of the applicant is necessary. There are antecedents, however, it is submitted that in one case of similar nature the applicant has already been acquitted.

8. Considering the fact that the trial is not yet commenced and there is no possibility that it would commence in near future, furthermore, even after commencement of the trial it will take time to conclude. Thus, as the custody of the applicant is not necessary, there is no point in keeping the applicant in jail for uncertain period. As far as apprehension of the learned A.P.P. is concerned, that the applicant may pressurize the prosecution witnesses, stringent condition can be imposed on the applicant while granting bail.

9. In the circumstances, I am of the opinion that 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.002 of 2022, registered with Police Station, Hinganghat, District: Wardha for the offences punishable under Sections 109, 120-B, 143, 147, 148, 149, 294, 307, 323, 324, 452, 506 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, 1959 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