

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

Criminal Application (BA) No.494/2022

Vishal Khond V State of Maharashtra thr PSO PS Tamgaon, Tq. Sangrampur, Buldhana

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri H.R. Gadhia, Advocate for applicant.

Shri A.M. Deshpande, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 24-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0113/2022 dated 22-04-2022 registered with Police Station Tamgaon, District Buldhana for the offences punishable under Sections 304-B, 306, 498-A of the Indian Penal Code.

2. The learned Counsel for the applicant submits that the applicant is the husband of the deceased and there is no direct evidence against the applicant. The case is based on circumstantial evidence. He further submits that for sufficient period the applicant is in jail and no further custody of the applicant is necessary in this case. He, accordingly, submits that by putting some stringent conditions, this Court may grant bail.

3. On the other hand, learned APP strongly opposed the application and submits that there is sufficient material available which shows the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the bail application.

4. I have perused the chargesheet, the First Information Report and the reply filed by the learned APP.

From the same, it can be seen that the case is based on the circumstantial evidence.

The applicant is in jail since last about 2 months. The investigation is almost over and as such, I am of the opinion, that no further custody of the applicant is necessary. Moreover, as there is nothing to show that there is any possibility that the applicant will pressurize the prosecution witnesses or tamper with the prosecution evidence and/or he will not be available for the trial, I am of the opinion that the applicant should be released on bail with certain conditions.

5. In the circumstances, I pass the following order:-

ORDER

i) Application is allowed.

ii) The applicant in Crime No.0113/2022 dated 22-04-2022 registered with Police Station Tamgaon,

District Buldhana for the offences punishable under Sections 304-B, 306, 498-A of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station on first day and 16th day of every month between 10.00 am to 12.00 noon, till the chargesheet is filed.

iv) The applicant shall not pressurize the prosecution witnesses or tamper with the prosecution evidence.

(Anil S. Kilor, J.)