

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

CRIMINAL APPLICATION (BA) NO. 512 OF 2022

Kanha @ Govind s/o Harishchandra Pande **Versus** State of Maharashtra, through Police Station Officer, PSO, Jaripatka, Nagpur.

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

Court's or Judge's Order

Shri Atul Pande, Counsel for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant /State.

CORAM : ANIL S. KILOR, J.
DATED : 11/07/2022.

1. The applicant is seeking bail in connection with Crime No. 401/2021, registered at Jaripatka Police Station, Nagpur, for the offences punishable under Sections 452, 394, 395, 397, 120-B of the Indian Penal Code and Sections 3, 25 and 27 of the Indian Arms Act.

2. Shri Atul Pande, learned counsel for the applicant submits that after the alleged incident, the applicant went to the Police Station and surrendered.

3. Learned counsel for the applicant submits that the overt act which is attributed against the applicant is that, he was keeping watch outside the shop when the other two accused persons were inside the shop of the complainant.

4. It is pointed out that further custody of the applicant is not necessary in this case as the investigation is over and the charge-sheet has been filed.

5. Shri Atul Pande, learned counsel for the applicant further submits that there is no criminal antecedents of similar nature of offence.

6. He submits that the applicant is ready to abide by any condition as deems fit by this Court like furnishing two local solvent sureties etc as the applicant is a resident of Pratapgad, Uttar Pradesh.

7. On the other hand, Shri S.D. Sirpurkar, learned APP has strongly opposes the present application and submits that considering the material collected by the investigation officer, this Court may not grant bail to the applicant.

8. I have perused the Charge-sheet, First Information Report and Reply of the State.

9. In this case, the applicant himself went to the Police Station and surrendered before the Police Authorities. The applicant is in jail since 25/07/2021 i.e. from last one year. In this case, the charge-sheet has been filed after completion of the investigation.

10. As far as the criminal antecedent is concerned, the offence which was registered against the applicant for the offences punishable under Sections 41, 411, 413, 414, 419, 420, 467, 468 of the Indian Penal Code at Saurao, Police Station Prayagraj, State - Uttar Pradesh, the offence is not the similar in nature.

11. Moreover, considering the role of the applicant in the alleged offence coupled with the above referred facts, I am of the opinion that on some stringent conditions, the applicant shall be released on bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.401 of 2021, registered with Police Station Jaripatka, District: Nagpur, for the offences punishable under Sections 452, 394, 395, 397, 120-B of the Indian Penal Code, on furnishing P.R. Bond of Rs.30,000/- with two local solvent sureties in the like amount.
- c) The applicant shall attend the concerned Police Station on 1st and 16th of each month between 10.00 am to 12.00 noon.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.
- f) The State is granted liberty to apply for cancellation of bail, in case, breach of any condition

or commission of any serious offence, during the bail period.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]