

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

Criminal Application (BA) No. 513 of 2022

Sohel @ Chintu S/o Abdul Wahab Khan

Versus

State of Maharashtra, through Police Station Officer, Police Station
Yashodharanagar, Nagpur

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

Court's or Judge's Order

Shri P.D.Sharma, Advocate for the applicant.

Shri A.M. Deshpande, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 15th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 653 of 2021 dated 22nd September, 2021 registered with Police Station Yashodhara Nagar Dist. Nagpur City for the offence punishable under Section 376, 376(2)(n), 313, 318, 323 and 506(2) of Indian Penal Code.

2. Learned counsel for the applicant submits that after completion of investigation, the chargesheet has been filed and now no further custody of the applicant is necessary. It is submitted that even if the allegations made in the First Information Report taken

on its face value, there was a consensual relationship between the complainant and the applicant. He submits that applicant is in jail since last eight months and no further custody of the applicant is required.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that there are statement of witnesses which are sufficient to show the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the application.

4. I have perused the chargesheet, First Information Report and the reply of the State.

5. As the investigation is over and the chargesheet is filed, the custody of the applicant is no more required for investigation. The applicant is in jail since last eight months. There is no possibility that in near future the trial would commence and even after commencement of the trial, it will take time to conclude the trial. There is no point in keeping the applicant in jail for uncertain period as it would amount to punishing the applicant before he has been convicted holding him as guilty.

6. Moreover, there is nothing to show that the applicant would pressurize the prosecution witness or he will tamper with the prosecution evidence or he will not be available for trial, if the bail is granted. Accordingly, I pass the following order.

i. It is directed that the applicant shall be released on bail in Crime No. 653 of 2021 dated 22nd September, 2021 registered with Police Station Yashodhara Nagar, Nagpur for the offence punishable under Sections 376, 376(2)(n), 313, 318, 323 and 506(2) of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount.

ii. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

[ANIL S. KILOR, J.]

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by
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