

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

Criminal Application (BA) No. 561 of 2022

Tulsi S/o Prabhas Parikdar

Versus

State of Maharashtra, through Police Station Officer, Police Station
Sitabuldi, Nagpur and others

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

Court's or Judge's Order

Shri Sunita Kulkarni, Advocate for the applicant.

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

Shri S.D.Chande, Advocate for the non-applicant nos. 2
and 3.

CORAM : ANIL S. KILOR, J.

DATED : 14th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0159 of 2022 dated 22nd April, 2022 registered with Police Station Sitabuldi Dist. Nagpur for the offence punishable under Sections 370, 370(1) and Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956.

2. Learned counsel for the applicant submits that the applicant is in jail since the date of offence i.e. 22nd April, 2022. It is submitted that the applicant has been falsely implicated in the alleged offence, as no such

incident ever happened. It is further pointed out that there are CCTVs which will show that whole First Information Report is false and lodged out of enmity. Accordingly, he prays for grant of bail.

3. Learned Additional Public Prosecutor strongly opposed the application and prays for rejection of the application.

4. Shri Chande, learned counsel for the victims non-applicant nos. 2 and 3 submits that the First Information Report is false and it was lodged with an intention to harass the applicant. He also reiterates the statement of learned counsel for the applicant that no such incident has ever happened.

5. I have perused the case diary and also the First Information Report.

6. The applicant is in jail since 22nd April, 2022 for about one month. Considering the allegations made in the First Information Report, I am of the opinion that no further custody of the applicant is necessary in this case.

7. 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. Criminal application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No. 159 of 2022 dated 22nd April, 2022 for the offence punishable under Sections 370, 370(1) of the Indian Penal Code and Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956, registered by the non-applicant Police Station, Sitabuldi, Nagpur, 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;
- iii. The applicant shall not leave the jurisdiction of the concerned police station without permission of the Court.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.06.14
17:27:19 +0530