

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

Criminal Application (BA) No. 562 of 2022

Yash S/o Diwakar Daf

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Hinganghat, Dist. Wardha

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

Court's or Judge's Order

Shri S.R.Dube, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 22nd JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 199 of 2022 registered with Police Station Hinganghat, Dist. Wardha for the offence punishable under Section 459 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that as the investigation is over and the chargesheet has been filed, as such the custody of the applicant is not necessary. It is submitted that the applicant has been falsely implicated in the alleged offence. It is further submitted that even if the allegations made in the First

Information Report are taken at its face value, it can be seen that Section 459 of Indian Penal Code does not attract in this case. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that maximum punishment is ten years to life and looking to the allegations made in the First Information Report, the bail may be rejected.

4. I have perused the chargesheet and the First Information Report.

5. It can be seen from the allegations made in the First Information Report that while running away the applicant gave a dash to the complainant and he fell down from the terrace and in that he sustained injury.

6. Further allegation is that the applicant alongwith other accused persons was trying to steal pigeon from the pigeon cage of the complainant. In this case the investigation is over and further custody of the applicant is not necessary.

7. Furthermore, the applicant is in jail since last four months and there is no possibility that trial will be concluded in near future.

8. 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. Accordingly, I pass the following order.

- i. It is directed that the applicant shall be released on bail in Crime No. 199 of 2022 dated 12th February, 2022 registered with Police Station Hinganghat Dist. Wardha for the offence punishable under Section 459 read with Section 34 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.]

SACHINDANAND
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