

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

Criminal Application (BA) No. 563 of 2022

Milan S/o Neharu Chavan

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Kingaonraja, Dist. Buldhana

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

Court's or Judge's Order

Shri S.G.Joshi, 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. 92 of 2022 registered with Police Station Kingaonraja Dist. Buldhana for the offence punishable under Sections 302 and 201 of Indian Penal Code.

Learned counsel for the applicant submits that only on the basis of suspicious he has been arraigned as accused person in the present matter whereas he is nowhere connected with the alleged offence. It is pointed out that the alleged incident is of 14th February, 2022 whereas the First Information

Report came to be lodged on 9th May, 2022. No explanation has been given by the complainant why the First Information Report was not lodged immediately. He submits that it is the case of the prosecution that on the date of incident father of the deceased called the applicant and applicant told that deceased was with him, this was two days prior to the incident.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and he 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 First Information Report and case diary.

5. Only on the basis of suspicious he has been arraigned as accused person in the present matter. It is pointed out that the alleged incident is of 14th February, 2022 whereas the First Information Report came to be lodged on 9th May, 2022. No explanation has been given by the complainant for delay. Therefore, *prima facie* it creates doubt about the veracity of the allegations made in the First Information Report. Moreover, the applicant is in jail from last more than one

month and from the case diary it can be seen that no *prima facie* incriminating material is there to show the involvement of the applicant in the alleged offence.

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. Accordingly, I pass the following order.

i. It is directed that the applicant shall be released on bail in Crime No. 92 of 2022 dated 9th May, 2022 registered with Police Station Kingaonraja Police Station, Dist. Buldhana for the offence punishable under Sections 302 and 201 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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