

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

Criminal Application (BA) No.571/2022

Tilakchandra Bag V State of Maharashtra thr PSO PS Butibori, Nagpur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mrs. N.P. Hiwase, Advocate for applicant.

Mr. V.A. Thakare, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 20-06-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0618/2019 dated 11-09-2019 registered with Police Station Bori, District Nagpur (Rural) for the offence punishable under Section 302 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that the applicant is in jail since September 2019, whereas the chargesheet has already been filed and the custody of the applicant is not necessary.

It is submitted that there is no direct evidence to the alleged incident. Furthermore, she submits that there is no progress in the trial. Accordingly she prays for grant of bail.

3. The learned APP, on the other hand, strongly opposed the application and points out that the applicant is the resident of Odisha (Orissa) and for the purpose of labour work he came here and, therefore, if the applicant is released on bail, there is every possibility that he will not be available for the trial.

4. Thereupon, the learned Counsel for the applicant submits that the applicant is ready to give two local sureties and she further submits that this Court may impose some stringent conditions which the applicant undertakes to comply with.

5. I have perused the chargesheet and the contents of the First Information Report (FIR). The case is based on circumstantial evidence. The applicant is in jail since last about 3 years and there is no progress in the trial. The custody of the applicant is not necessary as the chargesheet has already been filed.

As far as the apprehension of the learned APP that the applicant may not be available for trial is concerned, if some stringent conditions are imposed upon the applicant, the purpose will be served.

6. In that view of the matter and in view of the fact that there is nothing to show that if the applicant is released on bail he would pressurize the prosecution witnesses or tamper the prosecution evidence and/or he will not be available for the trial. I am of the opinion that the applicant is entitled for grant of bail.

Accordingly, I pass the following order :-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0618/2019 dated 11-09-2019 registered with Police Station Bori, District Nagpur for the offence punishable under Section 302 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with two solvent sureties in the like amount.
- iii) The applicant shall attend the concerned Police Station on every 1st and 16th day of each month till the completion of trial.

(Anil S. Kilor, J.)

Deshmukh