

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

CRIMINAL APPLICATION (BA) NO.612 OF 2022

Prakash @ Chintu S/o Murlidhar Sharma

Versus

State of Maharashtra, through P.S.O., P.S. Gondia (City), Gondia

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

Court's or Judge's Order

Shri R.M. Daga, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 21/06/2022

1. The applicant is seeking bail in Crime No.607 of 2021, dated 21.08.2021, registered with Police Station Gondia (City), District: Gondia, for the offences punishable under Sections 302 and 120 (B) of the Indian Penal Code and Sections 3, 25 and 27 of the Arms Act.

2. Shri Daga, learned counsel for the applicant submits that on the suspicion that the applicant is the conspirator in the alleged crime, he has been arraigned as accused in the present matter whereas, there is nothing on record to show any involvement of the applicant in the alleged offence.

3. The learned counsel for the applicant further submits that on completion of investigation, the

charge-sheet has been filed and the custody of the applicant is not necessary.

4. It is further submitted that the applicant has been falsely implicated in the alleged offence.

5. On the other hand, Shri T.A. Mirza, learned APP opposes the present application and submits that there is material on record to show the involvement of the applicant.

6. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

7. It is alleged that the applicant is the conspirator. However, there is no *prima facie* incriminating material available on record against the applicant to show his involvement even as a conspirator.

8. Moreover, the applicant is in jail since August, 2021 and the charge-sheet has already been filed, as such the custody of the applicant is no more required. Furthermore, there is nothing to show that if the applicant is released on bail, he may pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for the trial.

9. In that view of the matter, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.607 of 2021, registered with Police Station Gondia (City), District: Gondia, for the offences punishable under Sections 302 and 120 (B) of the Indian Penal Code and Sections 3, 25 and 27 of the Arms Act, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 15th and 16th day of every months during 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

The criminal application is **disposed of**, accordingly.