

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

Criminal Application (BA) No. 613 of 2022

Pravin S/o Mumngnath Shinde

Versus

State of Maharashtra, through Police Station Officer, Police Station,
Sindkhed Raja, Dist. Buldhana

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

Court's or Judge's Order

Ms. S.A.Gajbhiye, Advocate for the applicant.

Shri Ashish Kadukar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 28th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 69 of 2019 dated 13th April, 2019 registered with Police Station Sindkhed Raja, Dist. Buldhana for the offences punishable under Sections 394, 452 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that after registration of the offence on 13th April, 2019 against the unknown persons, the applicant came to be arrested on 9th April, 2022 on a statement of one Manglya Bhosle, who is a juvenile.

3. It is submitted that the chargesheet has already been filed, as such the custody of the applicant is not required. It is further submitted that on suspicion the applicant has been arrested, whereas there is nothing to show any incriminating material against the applicant in the alleged offence.

4. It is submitted that there are no criminal antecedents to the discredit of the applicant. Accordingly, she prays for grant of bail.

5. Learned Additional Public Prosecutor strongly opposed the applicant and submits that on a statement of juvenile offender, he was arrested. Hence, he prays for rejection of application.

6. I have perused the chargesheet and the documents filed alongwith application and reply filed by the State.

7. The chargesheet shows that the offence was registered on 13th April, 2019 against the unknown persons and during the investigation in some other crime a juvenile offender was arrested and he disclosed the involvement of the applicant in the present matter and accordingly after a period of three years, on 9th April, 2022, the applicant was arrested.

8. The supplementary chargesheet in this case was filed on 14th March, 2022 against the applicant

which shows that no further custody of the applicant is necessary.

9. There are no criminal antecedents to the discredit of the applicant. Moreover, there is nothing to show that if the applicant is released on bail, he will pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for trial or he will repeat the offence. Thus, I am of the opinion that the applicant is entitled for grant of bail. 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. 69 of 2019 registered with Police Station Sindkhed Raja, Dist. Buldhana for the offences punishable under Sections 394 & 452 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.
- iii. The applicant shall attend the concerned police station on 1st day of every month between 10 am to 12 noon till the conclusion of the trial.
- iv. 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;

v. State is at liberty to apply for cancellation of bail in case the applicant commits similar offence.

[ANIL S. KILOR, J.]

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