

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

Criminal Application (BA) No.631/2022

Devidas Gawardiye and another V State of Maharashtra thr PSO PS Wadki, Tq.Ralegaon,
Yavatmal

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

Court's or Judge's Orders

Shri Apurv De, Advocate for applicants.
Mrs. Shamsi Haider, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 29-06-2022

The applicants have 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.0146/2022 dated 21-05-2022 registered with Police Station Wadki, District Yavatmal for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code.

2. The learned Counsel for the applicants submits that the applicants have been falsely implicated in the alleged offence. He further submits that the applicants are in jail from last more than one month and looking to the allegations in the FIR, further custody of the applicants is not necessary. He submits that there are no criminal antecedents to the discredit of the applicants. In the circumstances, he prays for grant of bail.

3. On the other hand, learned APP strongly opposed the application and submits that this Court may not grant bail to the applicants.

4. I have perused the chargesheet, First Information report and the reply filed by the learned APP.

The applicants are in jail since more than one month and looking the allegations made in the FIR, I am of the opinion that further custody of the applicants is not necessary. Moreover, there are no criminal antecedents to the discredit of the applicants. In that view of the matter, the applicants are entitled for grant of bail by putting some stringent conditions.

5. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicants in Crime No.0146/2022 dated 21-05-2022 registered with Police Station Wadki, District Yavatmal for the offence punishable under Section 353 read with Section 34 of the Indian Penal Code, be released on bail on furnishing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- iii) The applicants shall attend the Police Station on first

day and 16th day of every month between 10.00 am to 12.00 noon, till the culmination of trial.

iv) Liberty is granted to the State to move an application for cancellation of bail, in case, breach of any conditions or if the applicants repeat the offence.

(Anil S. Kilor, J.)