

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

Criminal Application (BA) No. 633 of 2022

Vyankatesh @ Golu S/o Raju Kohad

Versus

The State of Maharashtra, through Police Station Officer Lakadganj,
Nagpur, Dist. Nagpur

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

Court's or Judge's Order

Shri Mahesh Rai, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 29th JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 565 of 2021 registered with Police Station Lakadganj, Dist. Nagpur for the offence punishable under Sections 392 and 120-B read with Section 34 of Indian Penal Code.

2. Shri Rai, learned counsel for the applicant firstly submits that further custody of the applicant is not necessary in this case because of completion of investigation. Secondly, he submits that out of eight accused persons, one accused person is absconding and

five accused persons have been granted bail by the Sessions Court, as such the applicant is entitled for parity. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor submits that twice his application was rejected by the trial Court and accordingly, he opposed the present application.

4. I have perused the chargesheet and the reply filed by the State.

5. In this case, the applicant is in jail from last about 10 months. Investigation is over and the chargesheet has been filed.

6. Five co-accused persons have already been released on bail and if the role of the accused persons who have already released on bail and role of the applicant, is considered, *prima facie*, there is nothing to show that the role of the applicant is different than those co-accused persons. Thus, the applicant is entitled for party.

7. In this case money is recovered from the applicant and also from the other co-accused persons.

8. There is one crime which was registered in past against the applicant for the offence punishable under Sections 324 and 326 of Indian Penal Code, however, for the purpose of this application, I do not

find the same is relevant, as it is not of the similar nature.

9. In the above referred backdrop, as the custody of the applicant is no further required and applicant is entitled for parity, I am of the opinion that with certain stringent conditions, 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. 565 of 2021 registered with Police Station Lakadganj, Dist. Nagpur for the offences punishable under Section 392 and 120-B read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with a solvent surety in the like amount.
- iii. The applicant shall not enter territorial jurisdiction of Nagpur City till culmination of trial, except for the trial.
- iv. The applicant shall furnish correct address to the concerned police station.
- v. The applicant shall attend the concerned police station on 1st day and 16th day of every month between 10 am to 12 noon till the conclusion of the trial.

vi. 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;

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

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

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