

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

Criminal Application (BA) No. 655 of 2022

Rohan S/o Prakash Sarsiya

Versus

State of Maharashtra, through Police Station Officer, Police Station Digras,
Tah. Digras, Dist. Yavatmal

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

Court's or Judge's Order

Shri J.S.Wankhede, Advocate for the applicant.

Ms Mrunal Barbde, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 6th JULY, 2022.

The applicant is seeking bail in Crime No.1280 of 2021, dated 9th November, 2021, registered with Police Station Digras, District Yavatmal, for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 326, 307 and 395 of the Indian Penal Code and Sections 4 and 25 of the Arms Act.

2. Shri Wankhede, learned counsel for the applicant submits that after completion of the investigation, the chargesheet has been filed and no further custody of the applicant is necessary.

3. The learned counsel for the applicant further submits that there are counter First Information Reports (FIR) and FIR lodged by the Ranjana Sohan Sirsiya who is the wife of one of the co-accused in present FIR, the offence was registered under Sections 143, 147, 148, 149, 324, 323, 435, 452, 427 and Sections 4 and 25 of the Arms Act and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act. The said crime was registered against 53 accused persons.

4. Lastly, learned counsel for the applicant submits that except the applicant all other accused persons have been released on bail, even the main accused no.1 is already released on bail. Accordingly, he prays for grant of bail on parity.

5. On the other hand Ms. Barabde, learned Additional Public Prosecutor strongly opposes the present application and submits that sufficient material is collected by the Investigating Agency to show the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the application.

6. I have perused the chargesheet and also the contents of the FIR.

7. The investigating agency has filed chargesheet on completion of investigation. There are

counter FIRs, making similar allegations against each others. In view of the fact that, the chargesheet has already been filed, the custody of the applicant is no more required.

8. Furthermore, the applicant is entitled for grant of bail on the ground of parity as the co-accused i.e. Raj @ Dhanjay S/o Dilip Sarsiya was granted bail vide order dated 14th June, 2022, in the same offence.

9. Moreover, there is nothing to show that there is any possibility that the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for the trial, if he is granted bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that applicant shall be released on bail in Crime No. 1280 of 2021 registered with Police Station Digras, Dist. Yavatmal for the offences punishable under Sections 143, 147, 148, 149, 323, 324, 326, 307 and 395 of the Indian Penal Code and Sections 4 and 25 of the Arms Act, on furnishing

P.R.bond of Rs.25,000/- with one solvent surety in the like amount.

iii. The applicant shall attend the concerned police station as and when his presence is required.

iv. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

v. 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;

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

[ANIL S. KILOR, J.]

SACHINDANAND
K NAIR

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.07.07
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