

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

Criminal Application (BA) No.667/2022

Deepak Tripathi V State of Maharashtra thr PSO PS Jaripatka, Nagpur

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

Court's or Judge's Orders

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Shri C.B. Barve, Advocate for applicant.

Shri T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 18-07-2022

The applicant has 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.0401/2021 registered with Police Station Jaripatka, District Nagpur city for the offences punishable under Sections 452, 394, 397 read with section 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, 1959.

2. The learned Advocate for the applicant submits that the similarly circumstanced co-accused has been granted bail by this Court. Accordingly, he prays for parity.

3. It is submitted that the applicant is in jail from last one year and as the investigation is over and the chargesheet has been filed, his further custody is not required. Accordingly, he prays for

grant of bail.

4. On the other hand, learned APP strongly opposed the application and submits that there is sufficient incriminating material to show the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the present application.

5. I have perused the chargesheet, application and the reply of the learned APP.

6. It appears that, in the identification parade, the applicant was not identified. Though, there are criminal antecedents, one offence is of similar nature and the another is under Section 420 of the IPC, considering the role of the present applicant and the co-accused who was granted bail by this Court, it can be said that the applicant is similarly circumstanced.

7. Moreover, the investigation is over and the chargesheet is filed. Thus, considering the antecedents of the applicant, I am of the opinion that, in the above referred backdrop, if some stringent conditions are imposed, the purpose would be served. Accordingly, I pass the following order:-

### **ORDER**

- i) Application is allowed.

- ii) The applicant in Crime No.0401/2021 registered with Police Station Jaripatka, District Nagpur for the offences punishable under Sections 452, 394, 397 read with section 34 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, 1959, be released on bail on furnishing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- iii) The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.
- iv) The applicant shall not tamper with the prosecution evidence.
- v) The applicant shall attend the concerned Police Station on every 1<sup>st</sup> and 16th day of each month between 10.00 am to 12.00 noon, till the culmination of trial.
- vi) Liberty is granted to the State that in case the applicant repeats the similar offence, the State may file application for cancellation of the bail.

(Anil S. Kilor, J.)