

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

Criminal Application (BA) No.670/2022

Raja @ Jangli Malewar V State of Maharashtra thr PSO PS Tumsar, Bhandara

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

Court's or Judge's Orders

Shri Amol G. Hunge, Advocate h/f Shri O.K. Masurke, Advocate for
applicant.

Shri S.D. Sirpurkar, 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 Tumsar, District Bhandara for the offences punishable under Sections 302, 114 read with section 34 of the Indian Penal Code.

2. The learned advocate for the applicant submits that the applicant has been falsely implicated in the alleged offence and no role is attributed to the present applicant in the present crime. He further submits that only on the basis of rivalry, the applicant has been arraigned as accused in the alleged offence.

3. He further submits that the applicant is in jail since November, 2021 and as the investigation is completed his further

custody is not required. Accordingly, he prays for grant of bail.

4. He further argues that out of total four accused persons one accused is juvenile and remaining two accused have already been released on bail.

5. It is submitted that the applicant is similarly circumstanced with the other co-accused who have been released on bail. Accordingly, he claims parity.

6. On the other hand, learned APP strongly opposed the application and submits that there is sufficient incriminating material collected by the Investigating Officer against the applicant. He further submits that considering the nature and seriousness of the offence, this Court may not grant bail to the applicant. Accordingly, he prays for rejection of the present application.

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

8. Out of four accused persons, one is juvenile and remaining two accused were released on bail and the present applicant is the third accused who is in jail from November, 2021.

9. I have perused the orders passed by the learned trial

Court granting bail to the other two co-accused persons. The two other co-accused persons were released on bail on the ground that the investigation is over and further custody of the applicants in those cases, is not required.

10. I have considered the role attributed to the present applicant and the other co-accused who have already been released on bail by the learned trial Court, the applicant is similarly circumstanced with the other co-accused and there is no antecedents to the discredit of the applicant.

11. Considering the above referred factor and the fact that the investigation is over and the chargesheet is filed, I am of the opinion that the applicant is entitled for grant of bail.

12. As far as the apprehension of learned APP is concerned that, the applicant may pressurize the prosecution witnesses, the said apprehension can be addressed by putting some stringent conditions. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0401/2021 registered with Police Station Tumsar, District Bhandara for the

offences punishable under Sections 302, 114 read with section 34 of the Indian Penal Code, 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 enter within the vicinity of Tumsar, till completion of trial, except for the purposes of attendance in 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.

(Anil S. Kilor, J.)