

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

Criminal Application (BA) No.697/2022

Gannu Banpela V State of Maharashtra thr PSO Pardi, Nagpur

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

Court's or Judge's Orders

Shri G.S. Gour, Advocate for applicant.
Shri N.R. Rode, APP for State.

CORAM : ANIL S. KILOR, J.
DATE : 07-07-2022

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.0049/2022 registered with Police Station Pardi, District Nagpur city for the offences punishable under Sections 380, 454, 457, 427 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that further custody of the applicant is not required as on completion of investigation, the chagesheet has been filed. It is further submitted that maximum punishment is of 7 years for the offence punishable under Section 380 of the IPC.

3. The learned Counsel for the applicant lastly submits that the recovery has already been made and there is nothing to be

seized from the applicant. Accordingly, he prays for grant of bail.

4. On the other hand, the learned APP strongly opposed the application.

5. I have perused the chargesheet and the F.I.R.

6. In this case, after completion of the investigation chargesheet has been filed and as such custody of the applicant is no more required. The stolen ornaments have already been recovered and there is nothing remained to be recovered from the applicant. Moreover, considering the maximum punishment in this case and as there is no possibility that the applicant would pressurize the prosecution witnesses or tamper with the prosecution evidence or he will not be available for trial, I am of the opinion that the applicant is entitled for grant of bail. Accordingly, I pass the following order:-

ORDER

- i) Application is allowed.
- ii) The applicant in Crime No.0049/2022 registered with Police Station Pardi, District Nagpur city for the offences punishable under Sections 380, 454, 457, 427 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 tamper with the prosecution evidence.

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

v) The applicant shall attend the trial before the Sessions Court regularly on every date unless exemption is granted by the Sessions Court.

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.

The application is disposed of accordingly.

(Anil S. Kilor, J.)