

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

Criminal Application (BA) No. 717 of 2022

Swapnil S/o Vishnu Gawali

Versus

State of Maharashtra, through Police Station Officer, Dhamangaon Badhe,
Tq. Motala, Dist. Buldhana

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

Court's or Judge's Order

Shri Mahendra Vairagade, Advocate for the applicant.
Ms Shamshi Haider, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 18th JULY, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 81 of 2022 registered with Police Station Dhamangaon Badhe for the offence punishable under Sections 394, 395, 120-B read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. He further submits that considering the allegations made in the First Information Report, further custody of the applicant is not necessary, as he

has already in jail since March, 2022. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor fairly states that the investigation is almost completed.

4. I have perused the case diary, First Information Report and the reply of the State.

5. The applicant is in jail since March, 2022 i.e. for about four months and further from the case diary it can be seen that nothing has been recovered from the applicant.

6. Considering the fact that the investigation is almost completed, further custody of the applicant is not necessary. In the circumstances, applicant is entitled for grant of bail. Accordingly, 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. 81 of 2022 registered with Police Station Dhamangaon Badhe for the offence punishable under Sections 394, 395, 120-B read with Section 34 of 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 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;

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

[ANIL S. KILOR, J.]

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