

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

Criminal Application (BA) No. 731 of 2022

Vijay S/o Champatrao Hatkar
(Presently at District Prison Yavatmal)

Versus

State of Maharashtra, through Police Station Officer, Police Station
Umarkhed, 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 R.M.Daga, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 6th JULY, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No.665 of 2021 dated 25th December, 2021 registered with Police Station Umarkhed, Dist. Yavatmal for the offence punishable under Sections 366, 376, 376(2)(n), 306 of Indian Penal Code.

2. Shri Daga, learned counsel for the applicant submits that as the allegations are that because the applicant refused to marry with the deceased, the deceased committed suicide. He further submits that there was physical relations between applicant and

deceased. In the above referred backdrop, he submits that as the investigation is over and the chargesheet has been filed, the custody of the applicant is no more required. Accordingly, he prays for grant of bail.

3. On the other hand, learned Additional Public Prosecutor opposes the present application.

4. I have perused the chargesheet and the First Information Report.

5. It appears from the chargesheet that there were physical relations between applicant and the deceased and he had promised her to marry with her. However, it appears because subsequently he refused to keep his promise, the deceased committed suicide.

6. In this case after completion of investigation, the chargesheet has been filed. As such the custody of the applicant is no further required.

7. Moreover, there is nothing to show that the applicant would pressurize the prosecution witness or he will tamper with the prosecution evidence or he will not be available for trial, if he is released on 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. 665 of 2021 registered with Police

Station Umarkhed, District Yavatmal for the offence punishable under Sections 366, 376, 376(2)(n), 306 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 attend the concerned police station as and when his presence is required.

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;

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

[ANIL S. KILOR, J.]

SACHINDANAND
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