

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

CRIMINAL APPLICATION (BA) NO.733 OF 2022

Krishna S/o Dadarao Deshmukh .Vs. State of Maharashtra, through P.S.O., P.S.
Shirpur, Dist. Washim

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

Court's or Judge's Order

Shri A.M. Jaltare, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 29/08/2022

1. The applicant is seeking bail in Crime No.239 of 2019, dated 20.12.2019, registered with Police Station Shirpur, District: Washim, for the offences punishable under Sections 409, 420, 465, 466 and 471 read with Section 34 of the Indian Penal Code.

2. Shri Jaltare, learned counsel for the applicant submits that the applicant is in jail for more than two years and the liability fixed against the applicant in this case is to the tune of Rs.20,75,572/- and accordingly, charge/lien on the immovable property of the father of the applicant is created and as such, the alleged defalcated amount has been secured by the Government.

3. He further submits that considering the period of incarceration of the applicant and further considering

that there is no possibility that in near future the trial would commence, this Court may grant bail to the applicant.

4. On the other hand, Shri Sirpurkar, learned APP strongly opposes the present application and submits that considering the nature of allegations, this Court may not grant bail to the applicant.

5. I have perused the Charge-sheet and the application.

6. The 7/12 extract filed on record by the applicant shows that the charge has been created on said property. Thus, it can be said that, to the extent of liability fixed on the applicant, the amount has been secured by the Government.

7. Furthermore, the applicant is in jail for more than two years. There is no possibility that the trial would commence in near future. Hence, there is no point in keeping the applicant in jail for uncertain period otherwise it would amount to pre-trial punishment.

8. In this case, the investigation is over and the charge-sheet has been filed, as such further custody of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.239 of 2019, registered with Police Station Shirpur, District: Washim, for the offences punishable under Sections 409, 420, 465, 466 and 471 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]