

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

CRIMINAL APPLICATION (BA) NO.770 OF 2022

Sharad @ Bharat S/o devrao Kannake

Versus

State of Maharashtra, through P.S.O., P.S. Sewagram, Dist. Wardha

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

Court's or Judge's Order

Shri Saurabh Singha, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 26/07/2022

1. The applicant is seeking bail in Crime No.653 of 2021, dated 19.11.2021, registered with Police Station Sewagram, District: Wardha, for the offences punishable under Sections 326 and 307 read with Section 34 of the Indian Penal Code.

2. Shri Saurabh Singha, learned counsel for the applicant submits that as the investigation is completed and charge-sheet is filed, his further custody is not required. He further argues that the applicant has been falsely implicated in the alleged.

3. He lastly submits that there is no possibility that in near future, the trial will commence and as the

custody of the applicant is no more required, he may be released on bail.

4. On the other hand, Shri S.D. Sirpurkar, learned APP strongly opposes the present application and submits that there is sufficient material to show involvement of the present applicant in the alleged offence. He therefore, prays for rejection of the present application.

5. I have perused the Charge-sheet and First Information Report (FIR).

6. The allegations made in the FIR, are that the accused persons assaulted the complainant with fists and kicks and run away from the spot. Considering the nature of allegations and the injuries caused to the complainant coupled with the fact that the applicant is in jail from last eight months, I am of the opinion that as the investigation is completed and further custody of the applicant is not necessary, he shall be released on bail on certain stringent condition.

7. It is to be noted that there is no likelihood that in near future, the trial will commence and in the circumstances, keeping the applicant is in jail for uncertain period would amount to pre-trial punishment. 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.653 of 2021, registered with Police Station Sewagram, District: Wardha, for the offences punishable under Sections 326 and 307 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.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.
- f) The State is at liberty to apply for cancellation of bail, in case breach of condition or if the applicant commits similar offence or any serious offence in near future.

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

[ANIL S. KILOR, J.]