

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

CRIMINAL APPLICATION (BA) NO.780 OF 2022

(IRSHAD IQBAL SHEIKH....VS.. STATE OF MAH. THR. PSO PS REPANPALLI, TQ. AHERI, DIST.
GADCHIROLI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms P.D.Pisurde, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 05, 2022.

1. Heard.
2. In this case, notices were issued on 6th July 2022, however, till date no reply is filed on behalf of the State.
3. The learned A.P.P. submits that because of heavy rains, it is a possibility that the concerned officer is not in position to give instructions for filing the reply.
4. As the applicant is in jail for about two months and considering the offence, I proceed in this case, without reply, to consider the request of the applicant for grant of bail in Crime No.1 of 2022, dated 07/06/2022, registered with Police Station, Repanpalli, District: Gadchiroli for the offences punishable under Sections 353, 294, 504 and 506 of the Indian Penal Code.

5. The allegations are that 20 cows were seized in an another offence and for sending those animals at Dhyan Foundation Cowshed, Baradkinhi, Tahsil : Sakoli, District : Bhandara, the employees of the said Foundation had been to the Police Station. It is further alleged that at about 11:00 p.m. the driver of the said foundation i.e. Deepak Laxman Kadgaye was standing in front of the main gate of Police Station, Repanpalli. At that time, the applicant went near the gate and started abusing Deepak Kadgaye for no reason. It is also alleged that the complainant went near the gate and the present applicant also abused him and then caught hold of the collar of the complainant and manhandled the complainant.

5. The learned A.P.P. strongly opposed the application.

6. Considering the nature of the allegations and the maximum punishment, which is three years and further the fact that the applicant is in jail for about two months, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that the applicant shall be released on bail Crime No.1 of 2022, dated 07/06/2022, registered with Police Station,

Repanpalli, District: Gadchiroli for the offences punishable under Sections 353, 294, 504 and 506 of the Indian Penal Code, on his furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety of like amount.

iii) The applicant shall not pressurize the prosecution witnesses or tamper with the prosecution evidence.

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

JUDGE

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