

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

CRIMINAL APPEAL NO. 372 OF 2021

Vinod Ramesh Chopade

Versus

State of Maharashtra, through P.S.O., P.S. Pimpalgaon Raja, Tq. Khamgaon, Dist.
Buldhana and another

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for the appellant.

Shri T.H. Udeshi, A.P.P. for the respondent No.1/State.

Ms. Aarti Singh, Advocate for the respondent No.2 (Appointed).

CORAM : ANIL S. KILOR, J.

DATED : 23/02/ 2022

1. This appeal is arising out of the order below Exh.1 on 24.08.2021 passed by learned Additional Sessions Judge, Khamgaon, Dist. Buldhana in R.B.A No.375 of 2021, rejecting the application of the applicant under Section 439 of the Code of Criminal Procedure seeking grant of bail in connection with Crime No.196 of 2021 registered with Police Station Pimpalgaon Raja for the offences punishable under Sections 392, 324, 504 and 506 of the Indian Penal Code and Sections 39(1)(r), 3(1)(s) and 3(2)(v-a) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Heard learned counsel for the respective parties.

3. Shri Sirpurkar, learned counsel for the appellant submits that the charge-sheet has been filed on completion of the investigation and therefore, his custody is no more required. It is further submitted that the iron pipe which was used in the alleged offence is already recovered by the Police. The learned counsel for the appellant further submitted that this Court vide order dated 09.09.2021 granted ad-interim bail to the appellant and according to one of the conditions of the bail, the appellant has attended the Police Station on every Sunday between 11.00 a.m. to 02.00 p.m. and therefore, he prays for confirmation of the order dated 09.09.2021.

4. On the other hand, Ms. T.H. Udeshi, learned A.P.P. for the respondent No.1/State is not disputing the fact of filing of the charge-sheet. However, she submits that there are criminal antecedents against the appellant. It is submitted that as many as five offences were registered against the appellant, out of which in two cases were registered under Sections 324 and 336 of the Indian Penal Code. Therefore, she has expressed apprehension that on releasing on bail, the appellant may commit the similar offence.

5. The learned counsel appearing for the respondent No.2-complainant, reiterates the submissions of the learned A.P.P. and prays for rejection of the present appeal.

6. The charge-sheet has already been filed and iron pipe which was used in the present crime was also recovered by the Police. Nothing has been pointed out why the custody of the appellant is necessary. As regards the criminal antecedents and apprehension expressed by the learned A.P.P., certain conditions can be put to the appellant in that regard.

7. In that view of the matter, as custody of the appellant is not necessary and the charge-sheet has already been filed, I am of the opinion that the appeal needs to be allowed by confirming the interim order dated 09.09.2021. Accordingly, I pass the following order:

- a) The appeal is allowed.
- b) The order passed by learned Additional Sessions Judge, Khamgaon, Dist. Buldhana in R.B.A No.375 of 2021 on 24.08.2021 is hereby quashed and set aside.

c) The order passed by this Court on 09.09.2021, is confirmed.

d) The liberty is granted to the State to apply for cancellation of bail, in case the appellant commits any offence in future.

e) Ms. Aarti Singh, learned counsel for the respondent No.2 appointed by the High Court Legal Services Sub-Committee, Nagpur, is entitled for professional charges for arguing the appeal. The High Court Legal Services Sub-Committee, Nagpur is directed to pay her fees as permissible to her.

The criminal appeal is disposed of, accordingly.

[ANIL S. KILOR, J.]

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