

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

Criminal Application (BA) No. 875 of 2022

Dayaneshwar S/o Ramesh Nanaware

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Bhadravati, Dist. Chandrapur

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

Court's or Judge's Order

Shri M.Hussain, Advocate for the applicant.

Shri Sagar Ashirgade, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 10th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0194 of 2022 registered with Police Station Bhadrawati for the offence punishable under Sections 307, 353, 379, 427 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that there are no criminal antecedents to the discredit of the applicant. He further submits that the applicant was working as driver on the relevant date. It is submitted that, except the fact that he drove the tractor having stolen sand, there are no allegations against him. It is

further submitted that after completion of investigation, the chargesheet has been filed. Accordingly, he submits that further custody of the applicant is not necessary.

3. On the other hand, learned Additional Public Prosecutor strongly opposed the application and submits that, considering the allegations in the First Information Report, this Court may not grant bail to the applicant.

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

5. The applicant is in jail from last more than two months and the allegations against the applicant is that he was driving the tractor at the relevant time, which was carrying the stolen sand. Thus, considering the allegations made in the First Information Report and the fact that the chargesheet has been filed, as such further custody of the applicant is not necessary, 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. 0194 of 2022 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 307, 353, 379, 427 read with Section 34 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 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;

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

[ANIL S. KILOR, J.]

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