

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

Criminal Application (BA) No. 902 of 2022

Vilas S/o Pandurang Bhagwat

Versus

The State of Maharashtra, through Police Station Officer, Police Station
Bhadravati, Tah. 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 Bhadravati, Dist. Chandrapur 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 applicant has been arraigned as an accused only for the reason that he is the brother of the main accused. He submits that he neither possess any license nor he is having any knowledge about the driving of any vehicle.

Therefore, allegations made in the FIR that he drove the tractor and gave dash to the vehicle of the complainant, is improbable. He further submits that as the chargesheet has been filed, further custody of the applicant is not necessary.

2. On the other hand, learned Additional Public Prosecutor has strongly opposed the application.

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

4. Applicant is in jail from last two months. Considering the allegations made in the First Information Report against the applicant, I am of the opinion that as the chargesheet has been filed, no further custody of the applicant is required. Accordingly, 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.]

SACHINDANAND
K NAIR

Digitally signed by
SACHINDANAND
K NAIR
Date: 2022.08.11
16:40:53 +0530