

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

CRIMINAL APPLICATION (BA) NO.994 OF 2022

Yasin @ Chini Sayyad @ Sayyad Kalim S/o Sayyad Kalim .Vs. State of Maharashtra,
through P.S.O., P.S. Umred, Nagpur

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

Court's or Judge's Order

Shri M.R. Khan, Advocate for the applicant.

Shri A.R. Chutke, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 08/09/2022

Heard.

2. The applicant is seeking bail in Crime No.842 of 2019, dated 14.10.2019, registered with Police Station Umred, District: Nagpur, for the offences punishable under Sections 394 and 397 read with Section 34 of the Indian Penal Code.

3. Shri Khan, learned counsel for the applicant submits that the learned trial Court has rejected the application of the applicant only on the ground that, the writ of the order of this Court, rejecting bail application of the applicant and granting liberty to file afresh after certain period was not received by the trial Court. He further argues that even the trial Court has not considered that the other accused persons have already been released on bail and the applicant is entitled for parity.

4. He lastly, argues that the charge-sheet has been filed after completion of the investigation and as such, further custody of the applicant is not necessary.

5. On the other hand, Shri Chutke, learned APP points out that the case of the applicant on parity was rejected by the learned trial Court, considering the fact that there are criminal antecedents of similar nature.

6. He further points out from the order of the trial Court that the submission of the learned counsel for the applicant that the application was rejected only on the ground that the writ of the High Court was not received by the trial court, is not correct. He submits that on merit also the application was rejected.

7. The learned APP further argues that since the offences are serious and considering the severity of punishment, this Court may not grant bail to the applicant.

8. I have perused the charge-sheet and the application.

9. The order passed by the learned trial Court dated 08.07.2022, shows that the learned trial Court has considered the application of the applicant on the ground of parity as well as on merit. Non receipt of writ relating to

Criminal Application (BA) No.362 of 2021 granting liberty to the applicant to file a fresh application after certain period is one of the grounds but not the sole ground for rejection of the request of the applicant for grant of bail.

10. The crime chart of the applicant shows that there are four criminal cases registered against the applicant in the past, out of which three are under Section 394 of the Indian Penal Code and one is under Section 392 of the Indian Penal Code.

11. Thus, considering the antecedents there is every possibility that if the applicant is released on bail, he may commit the similar offence. Moreover, there is sufficient incriminating material to show the involvement of the applicant in the alleged offence. In the circumstances, looking to the nature and seriousness of the offence and severity of punishment, I am of the opinion that the applicant is not entitled for grant of bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]