

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

Criminal Application (BA) No. 1029 of 2022

Nilesh S/o Sureshrao Take

Versus

State of Maharashtra through Police Station Officer, Police Station Arvi,
Dist. Wardha

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

Court's or Judge's Order

Shri Shashibhushan Wahane, Adv. for the applicant.

Shri V.A. Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 29th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 644 of 2022 registered with Police Station Arvi Dist. Wardha for the offence punishable under Sections 498-A and 307 of the Indian Penal Code.

2. Shri Wahane, learned counsel for the applicant submits that applicant has been falsely implicated in the alleged offence. He further submits that out of matrimonial discord the alleged offence took place. He further submits that the investigation is almost completed, hence further custody of the

applicant is not necessary. Accordingly, he prays for grant of bail.

3. On the other hand, Shri Thakare, learned Additional Public Prosecutor strongly opposed the application and submits that the statement of witnesses are recorded by the Investigating Officer, which supports the case of the prosecution.

4. I have perused the case diary and the application.

5. Considering the fact that the investigation is almost completed and the applicant is in jail from last about one month, I am of the opinion that further custody of the applicant is not necessary. Thus, considering the allegations made in the First Information Report, the spot panchanama and statement of witnesses, 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. 644 of 2022 registered with Police Station Arvi Dist. Wardha for the offence punishable under Section 498-A and 307 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 or breach of any conditions.

[ANIL S. KILOR, J.]

SACHINDANAND
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