

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

Criminal Application (BA) No. 1037 of 2022

Devendra @ Lakhan S/o Shamrao Totalwar

Versus

State of Maharashtra, through Police Station Officer, Police Station
Jaripatka, Nagpur

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

Court's or Judge's Order

Shri S.S.Rao, Advocate for the applicant.

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

CORAM : ANIL S. KILOR, J.

DATED : 23rd SEPTEMBER, 2022.

Learned counsel for the applicant seeks
leave to amend the prayer clause.

2. Leave is granted.

3. Amendment be carried out forthwith.

4. The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 11 of 2022 registered with Police Station Jaripatka, Nagpur (City) for the offence punishable under Sections 307, 504 read with Section 34 of Indian Penal Code.

5. The learned counsel for the applicant submits that after completion of the investigation,

charge sheet has been filed and therefore, further custody of the applicant is not necessary.

6. It is further points out that the matter has been amicably settled between the parties and after marriage of sister of Ankush i.e. accused no.1 with the brother of the complainant, the complainant and the accused no.1. have become relative. Thus, he submits that considering the settlement between the parties, the applicant may be released on bail.

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

8. Considering the fact that the applicant is in jail since last eight months and as the matter has been settled between the parties, furthermore, as the charge sheet has already been filed, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order:

- i. The application is allowed;
- ii. It is directed that the applicant shall be released on bail in Crime No.11 of 2022, registered with Police Station Jaripatka, Nagpur (City) for the offences punishable under Sections 307, 504 read with Section 34 of the Indian Penal Code, on his 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.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.09.26
10:53:47 +0530