

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

CRIMINAL APPLICATION (BA) NO.1329 OF 2021

Bhushan S/o Vitthalrao Devtare

Versus

State of Maharashtra, through P.S.O., P.S. Hinganghat, 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 S.R. Dube, Advocate for the applicant.

Ms Shamsi Haider, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 10/06/2022

1. The applicant is seeking pre-arrest bail in Crime No.597 of 2021, dated 14.07.2021, registered with Police Station Hinganghat, District Wardha, for the offences punishable under Sections 143, 147, 148, 149, 307, 364, 294 and 397 of the Indian Penal Code and Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. Shri Dube, learned counsel for the applicant submits that after going through the injury report, it can be seen that no offence under Section 307 constitutes as all the injuries are simple. He submits that the charge-sheet has already been filed and no further custody of the applicant is necessary. Accordingly, he prays for grant of bail.

3. On the other hand, Ms Shamsi Haider, learned APP opposes the present application and submits that the applicant is a history sheeter and there are fifteen offences registered against him and she therefore, submits that if the applicant is released on bail, there is every possibility that the applicant would repeat the offence. It is further submitted that looking to the criminal antecedents of the applicant, there is a terror of the applicant in the locality and there is every likelihood that he will pressurize the prosecution witnesses. Accordingly, he prays for rejection of the bail application.

4. I have perused the charge-sheet and also the contents of the First Information Report (FIR).

5. There are as many as fifteen offences registered against the applicant and most of them are offences pertaining to body offences. Thus, I find substance in apprehension expressed by learned APP that if the applicant is released on bail, he may repeat the offence. Moreover, looking to the past history of the applicant, there is every possibility that the applicant may pressurize the prosecution witnesses. Thus, looking to the severity of the offences and criminal antecedents of the applicant, I do not find the present case is a fit case for grant of bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

6. However, the liberty is granted to the applicant, in case, there will be no substantiate progress in the trial in next nine months, the applicant may apply for grant of bail afresh.

[ANIL S. KILOR, J.]