

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

CRIMINAL APPLICATION (BA) NO.1364 OF 2022

(RAJESH @ RAJ SAMADHAN BHATKAR....VS.. STATE OF MAH. THR. PSO PS TAMGAON, TQ.
SANGRAMPUR, DISTT. BULDHANA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.D.Raut, Advocate for Applicant.
Shri S.D.Sirpurkar, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : DECEMBER 12, 2022.

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicant is seeking bail in Crime No.323 of 2021, registered with Police Station, Tamgaon, Tah. Sangrampur, District: Buldhana for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.
3. In this crime, the allegation against the applicant is that he helped the main accused to take the body of the deceased from the spot of occurrence to the spot where the body was found. In this case, therefore, against the present applicant, at the most offence punishable under Section 201 of the Indian Penal Code would attract.

4. The applicant is in jail from last fourteen months and in the meantime on completion of the investigation charge-sheet has been filed. Thus, considering the role attributed to the applicant in the alleged offence and maximum punishment under Section 201 of the Indian Penal Code, coupled with the period of incarceration of the applicant, I am of the opinion that the applicant is entitled for grant of bail.

5. The learned A.P.P. is strongly opposing the present application. However, for the reasons stated herein above and further as there is no possibility that if the applicant is released on bail he will not be available for the trial, 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.323 of 2021, registered with Police Station, Tamgaon, Tah. Sangrampur, District: Buldhana for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code., on furnishing P.R.Bond of Rupees Fifty Thousand with one 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) The applicant shall attend the trial before the Sessions Court regularly on every date unless exemption is granted by the Sessions Court.

The Criminal Application is **disposed of** accordingly.

JUDGE

RRaut..