



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

CRIMINAL APPLICATION (BA) NO.967 OF 2023

Nirajsingh s/o Shivrajsingh Rathod @ Neeraj s/o Shivraj Singh
Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Tahsil,
District Nagpur

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

Court's or Judge's orders

Mr. S. D. Chande, Advocate for applicant.
Mr. A. G. Mate, APP for non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 04/01/2024

1. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.423/2023 for the offence punishable under Sections 419, 420 and 511 of the Indian Penal Code and under Section 66(C)(D) of the Information Technology Act. The applicant is arrested on 18.05.2023 and since then he is behind bar.

2. Learned Counsel Mr. Chande submitted that as per the allegation, the applicant has made a phone call from his mobile and represented himself as a PA. of a political leader and also demanded some amount. On the basis of said report, police have registered the crime. He further submitted that from the perusal of the entire charge-sheet and the allegation, it is apparently clear that FIR came to be lodged with the misconception of fact and there is no evidence to connect the present

applicant with the alleged offence. Even taking into consideration the allegation as it is, now investigation is completed, charge-sheet is filed and further incarceration of the present applicant is not required and prays for releasing the present applicant on bail.

3. Learned APP strongly opposed the application on the ground that there are criminal antecedents against the present applicant, if he is released on bail, he will tamper the prosecution evidence and he would not be available for trial.

4. On perusal of the FIR it appears that the accusation is on the basis and on the allegation that the applicant has made a phone call by representing himself as a P.A. of a political leader and also demanded some amount. During investigation, it further reveals that initially, also the FIR was registered with the similar allegation against the present applicant. Admittedly, the bail application is opposed only on the ground that if he is released on bail it would be difficult to secure his presence for the trial. Now investigation is completed, charge-sheet is filed and further incarceration of the present applicant is not required. In view of that, present application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order.

ORDER

- (i) The application is allowed.

(ii) The applicant **Nirajsingh s/o Shivrajsingh Rathod @ Neeraj s/o Shivraj Singh** be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount, in connection with Crime No.423/2023 for the offence punishable under Sections 419, 420 and 511 of the Indian Penal Code and under Section 66(C)(D) of the Information Technology Act.

(iii) The applicant shall furnish the local surety and shall attend the concerned Police Station once in a month on first of every month between 10.00 a.m. to 1.00 p.m. till culmination of the trial.

(iv) The applicant shall furnish his cell phone number and address with the address proof.

(v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)