

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

CRIMINAL APPLICATION (ABA) NO.645 OF 2017

Raju @ Rajesh s/o Gangadhar Gadre

..vs..

State of Mah., thr. PSO Bhandara, Taluka and District Bhandara

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

Court's or Judge's Order

.....
 Mrs. M.A. Syed, Counsel for the applicant.

Shri M.J. Khan, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 27, 2017.

1. This is an application for pre-arrest bail since the applicant is apprehending his arrest in connection with Crime No.73 of 2016 registered with Police Station Officer Bhandara, District Bhandara for the offences punishable under Sections 452, 307, and 120B read with Section 34 of the Indian Penal Code.

2. Initially, an offence was registered under Section 397 of the Indian Penal Code. However, subsequently the same was deleted by the investigating officer.

3. According to the prosecution, the husband of the complainant made conspiracy to eliminate her and in that context he has contacted the accused persons and in furtherance of their plan, they entered inside the house of complainant Mitali. However, somehow her life was saved by

one Sanju Deshmukh and other person, who on the spot caught hold one Chhotu. According to the prosecution, this Chhotu disclosed names of other co-accused persons.

4. According to the prosecution, accused Pankaj Bukkavan is main culprit in the present crime. It is brought to my notice that said Pankaj is already released on bail by this Court (Coram : S.B. Shure, J.) on 21.6.2016. The only allegation from the investigation papers against the applicant appears that the applicant is maternal uncle of said Pankaj and in the diary, which is seized from Pankaj's house, there is a reference of Rs.4.00 lacs against the name "Mama".

5. According to learned Additional Public Prosecutor, the custody of the applicant is necessary for interrogation and for recovery of cellphone.

6. Looking to the fact that the main accused person is already released on bail by this Court way back in the month of June 2016 and merely because the applicant happens to be the maternal uncle of said main accused, in my view, the applicant's personal liberty cannot be jeopardized. At the same time, the interest of the prosecution can be secured by putting the stringent conditions upon the applicant. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) In the event of arrest of applicant Raju @ Rajesh s/o Gangadhar Gadre, in connection with Crime No.73 of 2016 registered with Police Station Officer Bhandara, District Bhandara for the offences punishable under Sections 452, 307, and 120B read with Section 34 of the Indian Penal Code, the applicant be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

iii) The applicant shall attend the Sub Divisional Police Officer at Bhandara thrice a week i.e. on every Monday, Tuesday, and Wednesday and shall be with the investigating officer from 1:00 p.m. to 6:00 p.m., till filing of the charge-sheet, insofar as the present applicant is concerned, since the charge-sheet against other co-accused persons is already filed.

iv) After filing of the charge-sheet, the applicant shall attend the Office of the Police Station at Bhandara once in a month i.e. on last Sunday of every month, till culmination of the Trial and he

shall be with the investigating officer from 3:00 p.m. to 5:00 p.m..

v) With this, the criminal application is disposed of.

JUDGE

!! BRW !!