

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

Criminal Application (ABA) No.396 of 2019

**Sundhanshu s/o Narendrakumar Swami .vs. State of Maharashtra through
 PSO PS Gittikhadan, Nagpur.)**

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

Court's or Judge's orders.

Mr. R.K. Tiwari, Advocate for Applicant
 Mr. J.Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.

DATED : July 10, 2019.

The applicant herein has approached this Court apprehending arrest in FIR dated 26.06.2018 whereby offences have been registered under Sections 307, 143, 147, 148, 149 of the IPC and provisions of the Arms Act as also the Maharashtra Police Act. The applicant is not named in the FIR, although six persons have been named as accused in pursuance of the oral report dated 26.06.2018 submitted by the complainant. According to the complainant, the accused persons attacked him by firearm resulting in injuries to him and two other persons.

2. Thereafter a supplementary statement dated 27.06.2018 of the complainant was recorded wherein he named few more persons as being responsible for the said incident. In this statement also, the applicant is not specifically named.

3. It is pointed out by the learned counsel for the applicant that one of the accused persons, who was said to have participated actively in the said incident, was later found not to be present at the spot of the incident

and he has been discharged.

4. The investigation was completed and the charge-sheet in the present case was filed on 18.12.2018. It is the case of the prosecution that Amit @ Anna who is named in supplementary statement by the complaint is actually the applicant herein. But, at present, there does not appear to be any material on record to support the said assertion of the prosecution.

5. Thus, in these circumstances when the applicant is not even named in the FIR and there does not appear to be specific role attributed to him in respect of the incident leading to registration of the offences, the present application deserves to be allowed.

6. Hence, in the event the applicant is arrested in Crime No. 288 of 2018 registered at Police Station Gittikhadan, district Nagpur, he shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand) and a surety in the like amount. The applicant shall cooperate with the investigation and he shall make himself available before the Investigating Officer if required. The applicant shall not tamper with the evidence and he shall not influence witnesses.

7. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

8. Hamdast granted.

JUDGE