

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

CRIMINAL APPLICATION (ABA) NO. 435 OF 2021

Toshik Tukaram Bhat
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Ms. B.V. Reddey, Advocate for applicant.
Shri M.J. Khan, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 21/08/2021

In anticipation of arrest in Crime No.372 of 2021 registered with Jaripatka Police Station District Nagpur for the offences punishable under Sections 143, 148, 149, 323, 294, 506(2) of the Indian Penal Code and Sections 3, 4 and 25 of the Arms Act, the applicant is seeking for pre-arrest bail.

2. It is submitted that neither the name of the applicant is mentioned in the First Information Report nor there is any material to show his complicity.

3. The State resisted bail by filing reply-affidavit. It is pointed out that the applicant's four wheeler was used in commission of crime. The informant has stated that at relevant time, on flimsy ground, quarrel took place. To be specific, five

persons arrived at the place and at the instance of urinating threatened the informant by brandishing knife and gun. However, there was no assault. The informant has identified one of them namely Sagar Yadav whilst others were referred as unknown persons. This Court has granted interim protection to the applicant. During meantime, the applicant has produced his four wheeler, which was seized by the Police. Moreover, a weapon used in commission of crime, was also seized from co-accused. The resistance appears to be on the point that yet, test identification parade has not been conducted and main accused Sagar Yadav is absconding. Any how, for the arrest of co-accused, applicant's liberty can not be curtail. So also, detention of the applicant is not required for conducting prior T.I. parade.

4. Having regard to all these facts, on certain terms and conditions, the applicant's liberty can be protected, hence, the following order :

- (a) The application stands allowed and disposed of.
- (b) Ad-interim order dated 15.07.2021 is hereby made absolute on same terms and condition.
- (c) The applicant is further directed to attend concerned Police Station on every Sunday in between 11.00 am to 2.00 pm, till filing of the

charge-sheet.

- (d) The applicant shall make himself available for the purpose of prior T.I. parade as and when directed.

JUDGE

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