

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

Criminal Application (BA) No. 1241 of 2021

(Pawan S/o Prabhakar Shende ..vs.. State of Maharashtra through P.S.O., Hingna, Dist. Nagpur)

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

Court's or Judge's orders

Mr. O. K. Masurke, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.
DATED : 23-12-2021

Heard.

2. The applicant is one of the five accused arraigned in Crime 558/2021 registered with Police Station, Hingna, District Nagpur for offences punishable under Sections 395, 397 and 427 of the Indian Penal Code (IPC).

3. The accusation is that complainant Kirtiprasad Gaikwad, who is auto-rickshaw driver, was returning from Butibori Industrial Area and on the way, one Rajat Sharma hired the auto. As the auto-rickshaw proceeded from Wardha Road, one Mahindra XUV vehicle blocked its way and 8-10 persons who were travelling in the Mahindra XUV vehicle started assaulting Kirtiprasad

Gaikwad and Rajat Sharma. The rickshaw was damaged, the key was snatched from Kirtiprasad Gaikwad and the Apple iPhone of Rajat Sharma was taken away. It is further alleged that cash of Rs. 2,000/- (Rupees Two Thousand) was also stolen.

4. The Mahindra XUV vehicle is owned by the applicant. The submission of the learned counsel for the applicant is that the incident, even if the prosecution case is believed, appears to be a road rage incident and the allegations are exaggerated and a clear case of false implication is made out. The auto-rickshaw is seized from the spot near Vrundavan City, Jamtha. The prosecution case is that the applicant and the co-accused who were arrested were hiding in one of the residential blocks in the said Vrundavan City Complex.

5. Mr. Pathan points out that one of the accused Ashish Narnarware, who has criminal antecedents, is absconding and that the applicant is identified in the test identification parade.

6. The submission of the learned counsel for the applicant is that the applicant is a businessman, he has no criminal antecedent and since the investigation appears to be virtually complete, further incarceration would not be appropriate.

7. On instructions received from the Investigating Officer, a fair statement is made by learned Additional Public Prosecutor Mr. Pathan that as regards the applicant, the investigation is virtually complete. However, Mr. Pathan submits that if the applicant is released on bail, stringent conditions may be imposed. Considering that the applicant is not shown to be a flight risk, I am inclined to grant bail on the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

(ii) The applicant shall himself make available at the concerned police station every Tuesday and Friday from

11.00 a.m. to 2.00 p.m. and shall cooperate with the Investigating Officer.

(iii) The applicant shall not indulge in any criminal activity while on bail. Breach of this condition shall *ipso facto* entail cancellation of bail.

(iv) The applicant shall not make any attempt to contact the witnesses or otherwise to tamper the evidence.

(v) The applicant shall keep the Investigating Officer updated with current cell phone numbers.

(vi) The applicant shall not leave the country without the permission of the trial Court.

JUDGE

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