

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

CRIMINAL APPLIATION (BA) NO. 36/2022
Anikit Mohan Pande...Versus... State of Maharashtra

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

Court's or Judge's orders

Mr. R.R.Prajapati, Advocate for the applicant.
Ms. Shamsi Haider, APP for Respondent/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 20/01/2022

1] Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard Mr. Prajapati, learned counsel for the applicant and Ms. Haider, learned APP for respondent/State.

3] The applicant is arrested for the offence under Sections 364, 279 r/w Section 34 of the I.P.C r/w Section 4(25) of the Arms Act, Section 135 of the Mumbai Police Act and Sections 119, 184, 185 of the Motor Vehicle Act. The incident has occurred on 10.12.2021 at about 1.15 a.m., when having received information regarding abduction of some person from Gamdur Bar, Panchpaoli and the alleged vehicle was proceedings towards Kamptee, the vehicle in which the applicant was travelling was stopped and upon

search some dangerous weapons were found in the car, however no one is found. The abducted person was later on found and his statement was recorded, as a result of which the FIR came to be lodged.

4] Mr. Prajapati, learned counsel for the applicant submits that the applicant has nothing to do with the alleged incident. He was not involved in any manner whatsoever. He further submits that two other co-occupants in the car in which they were travelling, namely Mohit Yadav and Monu Tiwari, have already been released on bail on 14.1.2022 by the learned Sessions Court. He further submits that the only witness to the alleged incident Mr. Tejandirsingh Khanduja has also failed to identify the applicant and so is the case with the person abducted, in the T.I parade, which in his submission clearly indicates the absence of any involvement of the applicant.

5] Learned APP fairly submits that the witness Tejandirsingh Khanduja as well as the abducted person both have failed to identify the accused in the test identification parade, considering which prima facie no connection can be found of the applicant with the alleged crime, in view of which I do not see any reason to continue the incarceration of the applicant. The application is therefore, allowed.

6] The applicant be released on bail for the offence under Sections 364, 279 r/w Section 34 of the I.P.C r/w Section 4(25) of the Arms Act, Section 135 of the Mumbai Police Act and Sections 119, 184, 185 of the Motor Vehicle Act, in Crime No. 1006/2021, on executing the PR bound in the sum of Rs. 50,000/- with one solvent surety in the like amount.

The applicant shall cooperate with the I.O. in the matter of investigation and shall attend the Police Station Panchpaoli as and when summoned.

7] Application stands disposed of accordingly.

JUDGE

Rvjalit