

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

CRIMINAL APPLICATION (APPLN) NO.38 OF 2022

State of Maharashtra, through Assistant Commissioner of Police Rajapeth Division,
Amravati .Vs. Ravi Gangadhar Rana

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

Court's or Judge's Order

Shri T.A. Mirza, for the applicant/State.

Shri S.W. Sambre, Advocate for the non-applicant.

CORAM : ANIL S. KILOR, J.
DATED : 22/08/2022

1. This is an application for cancellation of bail granted to the non-applicant vide order dated 05.03.2022 in Criminal Bail Application No.252 of 2022, passed by the learned Additional Sessions Judge, Amravati.

2. The learned APP submits that the bail was granted on irrelevant consideration and material, and therefore, the order granting bail is perverse and in view of the judgment of the Supreme Court of India in the case of *Puran Vs. Rambilas and another*¹, the order is perverse and needs to be cancelled. Accordingly, he prays for cancellation of bail.

3. Shri Sambre, learned counsel for the non-applicant submits that the learned Sessions Court while granting bail has taken into consideration all the factors

¹ (2001) 6 SCC 338

which are relevant for grant of bail and thereafter, on recording the reasons in detail, has granted bail to the applicant. He submits that there is no perversity committed by the learned trial Court in granting bail. Accordingly, he prays for rejection of the bail application.

4. I have perused the application and the order passed by the learned Sessions Court while granting bail to the non-applicant.

5. In this case, the offence was registered vide crime no. 134 of 2022 with Police Station: Rajapeth, Dist. Amravati for the offences punishable under Sections 307, 353, 332, 143, 147, 148, 149, 109, 120-B, 427, 500 and 501 of the Indian Penal Code. Thereupon, the non-applicant applied for anticipatory bail.

6. The learned Additional Sessions Judge, Amravati, vide order dated 05.03.2022, granted anticipatory bail to the non-applicant and while doing so, has recorded reasons in paras-12 and 13 which reads thus:

“12. I have scrutinized the material before the Court. The say is silent as to recovery of alleged weapon from this applicant. In fact it shows that, there are four culprits consisting 3 female and 1 male, who are absconding from whom alleged weapon screwdriver and vehicles used are to be recovered. The FIR, say by the

prosecution as well as the complaint did not speak specially as to presence of the applicant as well as the role attributed to him at the relevant time and at place of the incident. The police papers show that, the injured complainant has sustained simple injuries on his chest, back of neck with blunt object and injury to right eye with ink. The medico legal injury report in the name of the complaint shows nature of alleged injuries as simple one. But the perusal of the statements of alleged eye witnesses to the incident, prima facie speaks that one of the male culprits assaulted by weapon screwdriver (pechkas) but they (witnesses) all being present in middle it could not attack upon the complainant. It means, the injuries shown on the person of the injured as cited in medical injury certificate, prima facie are not appearing out come of use of alleged weapon screwdriver. The case papers nowhere shows certification by the medical officer that injuries on the person of the complainant/injured if not treated would have resulted into death of victim. No allegations made either by the complainant or by the State that the applicant is likely to abscond, if released on bail. The offence U/sec.307 of IPC is grave and serious but at the same time, it is not case by the prosecution that injured is still hospitalized and serious one and suffered serious injuries. Also the alleged statements of the eye witnesses, who were present with the complainant at the relevant time speaks different that though one male culprit tried to attack upon the complainant with screwdriver it could not attack. The say by

the prosecution speaks that there is one crime bearing No.118/2022 registered against this applicant for the offences under Section 188 and 341 of the IPC.

“13. Apart from this, by the papers placed on record and having regard to the facts i.e. no recovery of weapon from the applicant, injured is not hospitalized and no specific role attributed to the applicant, merely, the fact that the sample of liquid like ink is sent to the Chemical Analyser and its report is awaiting itself cannot be the basis for refusal of prayer for bail. Prima facie the applicant has been implicated in the present case only with the aid of section 120-B of the IPC. Though prosecution story speaks that the statements of the witnesses show involvement of the applicant in alleged conspiracy, but this fact has to be established by evidence. As such the reliance kept on the statement recorded u/s 164 of Cr.P.C. disclosing alleged conspiracy cannot be considered at this stage. There is one crime registered recently against the application, but all the above said factors by themselves and more particularly the fact that investigation is going on and for that purpose custody of the applicant is required, would not be the grounds to deny the relief to him. His liberty cannot be curtailed. No fruitful purpose would be solved by detaining the applicant. Secondly, he being inhabitant of Amravati city, there may not be possibility of his fleeing away. Therefore, as per the observations in the decisions at Sr.No.(i), (iii) and (iv), the applicant has made out his

case for grant of pre-arrest bail. As such the submission by Ld. Prosecutor that for investigation and interrogation purpose the custodial presence of the applicant is absolutely necessary, finds not acceptable considering the facts and circumstances of the case in hand. So having regard to all above, prima facie, no custodial interrogation is needed. Therefore, the present application deserves to be considered by imposing appropriate conditions for securing interest of the prosecution.”

7. After going through the reasons recorded by the learned Sessions Judge, in the light of observations of Hon'ble Supreme Court of India, I do not find any perversity in the same.

8. There are no allegations of breach of condition or having supervening circumstances in this case. In the circumstances, as no ground is made out for cancellation of bail, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]