

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

Criminal Application (BA) No. 536 of 2022

Aniket @ Sharad S/o Bhimrao Madavi

Versus

The State of Maharashtra, through Police Station Officer,
Police Station Deoli, Dist. Wardha.

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

Court's or Judge's Order

Shri S.R.Dube, Advocate for the applicant.

Shri T.A. Mirza, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 22nd JUNE, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 802 of 2021 registered with Police Station Deoli, Dist. Wardha for the offence punishable under Sections 302, 120(B), 201, 202 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant submits that except the allegations that though the applicant was knowing all the fact that the main accused Prem Talvekar, Sahil Talvekar and Aniket Madavi and two other friends planned to kill his uncle, he did not disclose this fact to the police. It is further submitted that the applicant is in jail since October, 2021 and on

completion of investigation, the chargesheet has already been filed and further custody of the applicant is not necessary.

3. It is further submitted that there is no material against the applicant that he is involved in the alleged offence. Accordingly, he prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor strongly opposed the application.

5. I have perused the chargesheet and case diary.

6. The only allegations against the applicant is that he was knowing the fact that main accused Prem Talvekar has planned to kill his uncle. However, he did not disclose this fact to the police. Except this allegation there is nothing to *prima facie* show that the applicant was the part of the conspiracy.

7. It appears that the applicant is a friend of the main accused Prem Talvekar and he was having knowledge about the intention of the main accused Prem Talvekar.

8. The applicant is in jail since November, 2021 i.e. for about eight months and his custody is no

more required, in view of the fact that the investigation is over and chargesheet has been filed.

9. Moreover, there is nothing to show that the applicant would pressurize the prosecution witness or he will tamper with the prosecution evidence or he will not be available for trial. Accordingly, I pass the following order.

i. It is directed that the applicant shall be released on bail in Crime No. 802 of 2021 dated 12th October, 2022 registered with Police Station Deoli, District Wardha for the offence punishable under Sections 302, 120(B), 201, 202 read with Section 34 of Indian Penal Code, on furnishing P.R.Bond of Rs.25,000/- with a solvent surety in the like amount;

ii. The applicant shall attend the concerned police station as and when his presence is required;

iii. The applicant shall not leave the jurisdiction of the concerned police station without permission of the Court;

iv. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence.

[ANIL S. KILOR, J.]

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by
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