

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

Criminal Application (ABA) No.286/2022

Sachin Ramteke V State of Maharashtra thr PSO PS Wani, Yavatmal

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

Court's or Judge's Orders

Shri R.H. Rawlani, Advocate for applicant.

Mrs. S.Z. Haider, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 10-06-2022

The applicant has approached to this Court by filing the present application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in connection with Crime No.0082/2022 dated 10-02-2022 registered with Police Station Wani, District Yavatmal for the offences punishable under Sections 307, 353 and 395 of the Indian Penal Code.

2. The learned Counsel for the applicant submits that the name of the applicant was not featured in the First Information Report (FIR). It is submitted that the applicant has been falsely implicated in the alleged offence. He further submitted that after

completion of the investigation, the chargesheet has been filed, therefore, the custody of the applicant is not required in this case. Though the CDR report shows that the applicant was in contact with accused no.10-Raju Keskera that does not mean that the applicant is involved in the present crime. Accordingly, he prays for grant of pre-arrest bail.

3. The learned APP strongly opposed the application and submitted that the CDR report is sufficient to show the involvement of the applicant in the crime. Learned APP further submits that from the CDR report it is confirmed that the applicant was in continuous contact with the accused no.10 and he was giving directions to accused no.10. It is further submitted that the custody of the applicant is necessary to recover the Mobile Phone.

4. I have perused the case diary and also the contents of the FIR. All other accused persons, except accused no 10 who is absconding, are released on bail. In this case, the investigation is over and the chargesheet is filed. There is nothing to show that

the applicant will pressurize the prosecution witnesses or tamper with the prosecution evidence and/or he will not be available for the trial. As far as the recovery of Mobile Phone is concerned, the same can be made during the deemed custody. Accordingly, I pass the following order.

ORDER

- i) The application is allowed.
- ii) The order granting ad interim anticipatory bail dated 27-04-2022 is confirmed.
- iii) The applicant shall attend the Police Station on 28-06-2022, 29-06-2022 and 30-06-2022 between 10.00 am to 12.00. The Police shall consider the same as deemed custody for the purpose of recovery of Mobile Phone.

(Anil S. Kilor, J.)