

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

**CRIMINAL APPLICATION (BA) NO.592 OF 2022**

Vishal S/o Vinodrao Gadekar

**Versus**

State of Maharashtra, through P.S.O., P.S. Digras, Dist. Yavatmal

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

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Court's or Judge's Order

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Shri A.D. Deshmukh, Adv. a/w Shri T.S. Deshpande, Adv. for the applicant.  
Shri V.A. Thakare, A.P.P. for the non-applicant/State.

**CORAM : ANIL S. KILOR, J.**

**DATED : 26/07/2022**

1. The applicant is seeking bail in Crime No.1286 of 2021, dated 16.11.2021, registered with Police Station Digras, District: Yavatmal, for the offence punishable under Section 302, 364, 120-B, 404 and 201 read with Section 34 of the Indian Penal Code.

2. Shri Deshpande, learned counsel for the applicant submits that even if the allegations are taken on its face value, the role attributed to the present applicant is that he was the driver accompanied the other accused persons. It is submitted that there is no role attributed to the applicant, in the alleged offence, attracting any of the provisions under which the present offence came to be registered.

3. He submits that the applicant is in jail from 26.02.2022 and as the charge-sheet has already been filed,

his further custody is not necessary. He further submits that he himself surrender before the Police and therefore, there is no possibility that the applicant is not available for the trial.

4. On the other hand, Shri V.A. Thakare, learned APP opposes the present application and submits that as the offence is serious and sufficient material is collected during the investigation, the present application may be rejected.

5. I have perused the Charge-sheet and First Information Report (FIR).

6. From the allegations made in the FIR and the other material collected by the Investigation Officer, *prima facie* it can be seen that a conspiracy was hatched by the husband of the deceased and other accused persons i.e. accused Nos.1 to 3 to eliminate the deceased and subsequently, co-accused Abhijit Baban Mahatre joined to them in the commission of the offence.

7. It appears that in the said crime, the accused persons were in need of a four wheeler car and as the father of the applicant was doing the business of giving four wheeler on rent, co-accused Abhijit Baban Mahatre booked a vehicle with the present applicant and in that capacity, the applicant was present on the spot.

8. Thus considering the allegations and the role attributed to the applicant and further facts that the applicant is in jail from February, 2022, I am of the opinion that no more custody of the applicant is not necessary. Moreover, the investigation is over and charge-sheet has been filed. Accordingly I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No.1286 of 2021, registered with Police Station Digras, District: Yavatmal, for the offence punishable under Section 302, 364, 120-B, 404 and 201 read with Section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- c) The applicant shall not enter into the territorial jurisdiction of Police Station Digras, except for the trial.
- d) The applicant shall provide his address along with name of the nearby Police Station and shall attend the concerned Police Station on 1<sup>st</sup> and 16<sup>th</sup> of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.

- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]