

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

CRIMINAL APPLICATION (ABA) NO.573 OF 2022

Kishor S/o Manohar Panchbhai .Vs. State of Maharashtra, through P.S.O., P.S. Pavni,
Dist. Bhandara

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

Court's or Judge's Order

Shri A.A. Naik, Advocate for the applicant.

Shri T.A. Mirza, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 25/08/2022

1. The applicant is seeking pre-arrest bail in Crime No.114 of 2022, dated 27.04.2022, registered with Police Station Pavni, District: Bhandara, for the offences punishable under Sections 353, 332, 379, 506, 427 and 109 of the Indian Penal Code.

2. Shri Naik, learned counsel for the applicant submits that the applicant was not named in the First Information Report (FIR) and he was not present on the spot. Whereas, subsequently only because the tipper stands in his name, he was arraigned as accused in the alleged offence.

3. It is submitted that the incident is dated 27.04.2022 and on that date the applicant was not the owner of the tipper as it was sold out by him on 31.03.2022.

He therefore, submits that he has been falsely implicated in the alleged offence. Accordingly, He prays for grant of pre-arrest bail.

4. On the other hand, Shri Mirza, learned APP strongly opposes the present application and submits that as the tipper stands in the name of the applicant, this evidence is sufficient to show his involvement in the alleged offence. Accordingly, he prays for rejection of the present application.

5. I have perused the Charge-sheet and the application.

6. In support of his submission, the applicant has filed on record an affidavit signed by him and the purchaser to the effect that the tipper was sold out on 31.03.2022.

7. As the applicant was not on the spot and initially, he was not named in the FIR and though on the date of incident, the tipper stands in his name, though it was sold prior to incident, *prima facie*, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.

- b) It is directed that in the event of arrest of the applicant in Crime No.114 of 2022, registered with Police Station Pavni, District: Bhandara, for the offences punishable under Sections 353, 332, 379, 506, 427 and 109 of the Indian Penal Code, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

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

[ANIL S. KILOR, J.]