

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

Criminal Application (BA) No. 1014 of 2022

Ajabrao @ Pintu Babanrao Ghuge

Versus

The State of Maharashtra, through Police Station Officer,
Police Station Malegaon, Dist. Washim

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

Court's or Judge's Order

Shri A.P.Tathod, Advocate for the applicant.

Shri A.R.Chutke, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 30th August, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 0522 of 2022 registered with Police Station Malegaon, Dist. Washim for the offence punishable under Sections 396, 397, 120-B of Indian Penal Code read with Section 3 and 25 of Arms Act.

2. Learned counsel for the applicant submits that except the memorandum under Section 27 of Indian Evidence Act to show the recovery of 52 grams of gold, two country made pistols and seven live

cartridges from the applicant. There is no other incriminating material against the applicant.

3. Whereas, there is no direct evidence to show the applicant is involved in the alleged offence. It is submitted that the applicant is in jail since 25th December, 2021 and as the investigation is completed and the chargesheet has been filed, further custody of the applicant is not necessary. Accordingly, he prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor submits that it is a serious matter wherein the servant of the complainant died.

5. Learned Additional Public Prosecutor pointed out that deceased suffered 12 injuries including stab wounds. It is further pointed out that the recovery is not only the incriminating material but there are CDR and other material which sufficiently shows the involvement of the applicant in the alleged offence. Accordingly, he prays for rejection of the present application.

6. I have perused the chargesheet and the application.

7. From the chargesheet, it can be seen that 52 grams of stolen gold and two country made pistols with seven live cartridges were recovered from the applicant.

Further it can be seen from the chargesheet that the applicant is the resident of village Sukanda where offence was committed. Whereas, other four accused persons are not from the same village. Therefore, from the CDR collected, *prima facie*, it appears that applicant is the conspirator with other accused persons for commission of the present crime.

8. In the circumstances, as there is sufficient incriminating material against the applicant to show the involvement of the applicant in the alleged offence, I am of the opinion that the applicant is not entitled for grant of bail. Accordingly, I pass the following order.

- i. Criminal application is rejected.

[ANIL S. KILOR, J.]

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.09.06
17:08:49 +0530