

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

CRIMINAL APPLICATION (ABA) NO.687 OF 2022

(GUDDU @ ROHIT FRAJU MENGE...VS.. STATE OF MAH. THR. PSO PS KHADAN, AKOLA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Garima Jain, Adv. h/f. Shri S.V.Sirpurkar, Advocate for Applicant.
Shri V.A.Thakre, A.P.P. for Non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : DECEMBER 06, 2022.

1. Heard.
2. By this application under Section 438 of the Code of Criminal Procedure the applicants are seeking pre-arrest bail in Crime No.657 of 2022, registered with Police Station, Khadan, Akola for the offences punishable under Sections 323, 307, 325, 367, 452 read with Section 34 of the Indian Penal Code, 1860.
3. The prosecution story is that on 01/09/2022 when the informant was present along with her son-Shubham in the house, at that time, the accused entered into her house. Accused-Avinash was having gun, present applicant was having iron pipe, whereas co-accused Sandeep Menge was having a hammer. The co-accused Avinash put the gun on the head of the informant and the other accused started assaulting her son. Thereafter they took him in a four wheeler and thereafter the informant called her daughter and son-in-law. Around 06:30 p.m.

they received a phone call that Shubham is lying in injured condition near Nagoba Temple and thereafter the son-in-law of the informant went there and took Shubham to Hospital.

4. The learned counsel for the applicant states that at the relevant time the applicant was not present at the spot and he was in his hotel. It is further submitted that CCTV footage is there to support the case of the applicant that he was not present.

5. The report submitted by the Investigating Officer before the learned Magistrate on 07/09/2022 states that from the CCTV footage it can be seen that the applicant is in the hotel at the relevant time. Thus, it creates doubt about the veracity of the prosecution story relating to the present applicant. In the circumstances, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- i) The application is **allowed**.
- ii) It is directed that, in the event of arrest of the applicant in connection with Crime No.0657 of 2022, registered with Police Station, Khadan, Akola for the offences punishable under Sections 323, 307, 325, 367, 452 read with Section 34 of the Indian Penal Code, 1860 the applicant shall be released on bail on

furnishing P.R. Bond in the sum of Rupees Twenty Five Thousand with one solvent surety in the like amount.

iii) The applicant shall attend the concerned Police Station as and when his presence is required.

iv) The applicant shall not tamper with the prosecution witnesses.

The Criminal Application is **disposed of** accordingly.

JUDGE

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