

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

Anticipatory Bail Application No. 697 of 2022

Vicky S/o Kisho Jahajpure

Versus

State of Maharashtra, through Police Station Officer, Police Station
Wathoda, Nagpur

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

Court's or Judge's Order

Shri Parag K. Bezalwar, Advocate for the applicant.
Shri N.R.Rode, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 13th DECEMBER, 2022.

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No. 229 of 2022 registered with Police Station Wathoda, Nagpur for the offence punishable under Sections 454, 457, 380 read with Section 34 of Indian Penal Code.

2. The applicant has been arraigned as an accused on the basis of memorandum under Section 27 of Evidence Act, whereunder amount was recovered from the co-accused and during the recording of memorandum, the co-accused discloses the name of the applicant. Except this, there is nothing against the applicant. It is a settled law that under Section 27 of

Evidence Act the only recovery is relevant and it cannot be used for any other purposes.

3. It is stated that the chargesheet has been filed, after completion of investigation.

4. It is pointed out that the applicant attended the police station as and when he was called by the police and co-operated the Investigating Officer in investigation. All the other accused persons have been released on regular bail.

5. Thus, in the above referred backdrop, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. Order dated 4th October, 2022 granting ad-interim anticipatory bail is hereby confirmed with modification that the applicant shall attend the concerned Police Station from **19th December, 2022 till 25th December, 2022** between 10 am and 12 noon and thereafter as and when his presence is required.

Digitally signed
by
SACHINDANAND
K NAIR
Date: 2022.12.14
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[ANIL S. KILOR, J.]