

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (BA) NO. 1193 OF 2022

Rakesh S/o. Purushottam Gajbhiye

.Vs.

State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr N. R. Bhishikar, Advocate for the applicant

Mr S. M. Ghodeswar, APP for State

CORAM : G.A. SANAP, J.

DATE : NOVEMBER 11, 2022.

Heard.

2. By this application, the applicant has prayed for regular bail in Crime bearing No. 551 of 2022 registered at Umred Police Station, Taluka Umred, District Nagpur (Rural) for the offences punishable under Sections 332 and 353 of the Indian Penal Code.

3. It is the case of the applicant that he has been falsely implicated in this case. He was arrested on 09.09.2022. He is remanded to judicial custody. The investigation is almost over. For the purpose of investigation his detention is not warranted. He has no criminal antecedents. He is ready to abide by the conditions that may be imposed by this Court.

4. Investigating Officer has filed reply and opposed the application. It is contended that this applicant was involved in the video shooting of the police station. When he was questioned about it, by the informant, he abused him and used criminal force against him and his companion. The applicant, if released on bail, would be threat to the informant and the witnesses.

5. Heard the learned Advocate for the applicant and the learned APP for the State. Perused the record and proceedings.

6. The applicant was arrested on 09.09.2022. His custodial interrogation was completed long back during his police custody. He has been remanded to judicial custody. The facts stated in the FIR would clearly indicate that for the purpose of investigation, if any, in this crime, the detention of the applicant would not be warranted. The punishment provided for the major offence is rigorous imprisonment upto 5 years. The apprehension placed on record in the reply by the investigating officer with regard to the possibility of tampering with the prosecution evidence can be taken care of by imposing appropriate conditions. In my opinion, in the facts situation based on the said apprehension the bail cannot be denied to the applicant. Accordingly, I pass the following order:

- i) Criminal application is allowed.
- ii) Applicant- Rakesh S/o. Purushottam Gajbhiye be released on bail in Crime No.551 of 2022, registered with Police Station Umred, District: Nagpur (Rural) for the offences punishable under Sections 332 and 353 of the Indian Penal Code, on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall co-operate the investigation officer.

7. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)

Namrata