

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

Anticipatory Bail Application (ABA) No. 705 of 2022

Saifi S/o Ejaz Akhtar

Versus

State of Maharashtra, through Police Station Officer, Police Station
Shendurjana Ghat, Amravati, Dist. Amravati

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

Court's or Judge's Order

Shri Tushar U. Tathod, Advocate for the applicant.

Shri V.A.Thakare, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 5th DECEMBER, 2022.

The applicant is seeking pre-arrest bail under Section 438 of the Code of Criminal Procedure in Crime No. 310 of 2021 registered with Police Station Shendurjana Ghat, Amravati for the offence punishable under Sections 302, 201, 364, 120-B read with Section 34 of Indian Penal Code.

2. In this case, the report was lodged by Police Patil of village Pusala that, one unknown male body was found floating over the water. On receipt of postmortem report and on revelation of the cause of death i.e. due to asphyxia due to strangulation, the offence under Section

302 of Indian Penal Code came to be registered against the unknown person.

3. During the investigation, the spot panchanama was prepared in presence of the co-accused and during the same disclosure of name of the applicant was shown. Except this disclosure, there is no other incriminating material against the applicant.

4. In this case, the investigation is completed and the chargesheet has been filed. Moreover, other co-accused are already released on bail.

5. In the circumstances, the only material against the applicant is the statement of co-accused who disclosed the name of the applicant during recording of spot panchanama. Hence, I am of the opinion that custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order.

- i. Criminal application is allowed;
- ii. It is directed that in the event of arrest in Crime No. 310 of 2021 registered with Police Station Shendurjana Ghat, Amravati for the offence punishable under Sections 302, 201, 364, 120-B read with Section 34 of Indian Penal Code, applicant shall be released on bail on furnishing P.R.Bond of Rs.15,000/- with one solvent surety in the like amount;

iii. The applicant shall attend the concerned Police Station from **12th December, 2022 till 19th December, 2022** between 10 am and 12 noon and thereafter as and when his presence is required.

The criminal application is disposed of.

[ANIL S. KILOR, J.]

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