

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

CRIMINAL APPLICATION (BA) NO. 1229 OF 2022

Dinesh S/o. Sudarshan Gawai and Anr. .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 C. N. Wankhede, Advocate for the applicants
Mr S. M. Ghodeswar, APP for State

CORAM : G.A. SANAP, J.
DATE : OCTOBER 21, 2022.

2. The applicant No.1, who is accused No. 2 and applicant No.2, who is accused No.3 have been arrested on 01.09.2022 in a crime bearing No. 191 of 2022 registered at Police Station Mahuli, District Amravati for the offences punishable under Sections 395, 452, 354 354-A, 504 and 506 of the Indian Penal Code.

3. It is the case of the applicants that investigation in the crime is over. The detention of the applicants is not warranted for custodial interrogation or for further investigation. The weapon allegedly used in the commission of crime has been recovered. It is submitted that the bail application was rejected by the learned Additional Sessions Judge on 20.09.2022 on the ground that accused No. 4 to 7 were absconding. It is stated that those accused applied for anticipatory bail on 07.10.2022 and their application for anticipatory bail has been allowed. It is stated that considering

the nature of crime and the stage of the investigation the applicants may be released on bail. The applicants are ready to abide by the conditions that may be imposed by the Court.

4. It is the case of the State that all the accused in furtherance of their common intention assaulted the informant and other family members. The informant and other family members sustained injuries in the assault. There is rivalry between the applicants' group and the group of the informant. It is submitted that considering the serious nature of crime bail cannot be granted to the applicants.

5. I have heard the learned Advocate for the applicants and the learned APP for the State. Perused the record and proceedings.

6. Perusal of the case diary would show that the informant and other family members sustained only simple injuries. The weapon of the offence has been recovered. The investigation, as can be seen from the case diary, is on the verge of completion. The accused Nos. 4 to 7 have been granted anticipatory bail by the Sessions Court, Amravati. The applicants have been remanded to judicial custody. This fact would indicate that for the purpose of custodial interrogation the detention of the applicants is not necessary. The bail application was rejected on the ground that remaining accused at that time were absconding. In the facts and circumstances, in my view, bail cannot be denied to the applicants. The apprehension placed on record can be taken

care of by imposing appropriate conditions. Hence, following order-

- i. The Criminal application is allowed.
 - ii. It is directed that the applicants- Dinesh S/o. Sudarshan Gawai and Akash S/o. Sudarshan Gawai shall be released on bail in Crime No.191 of 2022, registered with Mahuli Police Station, District: Amravati, for the offences punishable under Sections 395, 452, 354 354-A, 504 and 506 of the Indian Penal Code, on furnishing P.R.Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount.
 - iii. The applicants shall attend the concerned Police Station on every Monday and Saturday between 7:00 p.m. and 9:00 p.m.
 - iv. The applicants shall not tamper with the prosecution evidence.
 - v. The applicants shall not threaten or pressurize the prosecution witnesses.
 - vi. The applicants shall co-operate the investigating officer .
7. The Criminal Application is **disposed of**, accordingly.

(G. A. SANAP, J.)