

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (ABA) NO. 790 OF 2022

Upenkumar s/o Chandan Bachhale .Vs. State of Maharashtra

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

Court's or Judge's Order

Shri K.R. Trivedi, Advocate for the applicant.

Shri S.D.Sirpurkar, Advocate for the non-applicant.

CORAM : ANIL S. KILOR, J.

DATED : 05/12/2022

1. Heard.
2. The applicant is seeking ad-interim bail in Crime No. 553 of 2022 registered with Police Station Digras, District: Yavatmal, for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 1860.
3. In this case, after finding the body of the deceased, initially the offence was registered against the unknown person and during the investigation, it was revealed that the main accused is the brother of the applicant.
4. As far as the applicant is concerned, from the charge-sheet, it appears that the vehicle owned by the applicant was used in the alleged offence and then his vehicle was sent for servicing to a service station. Therefore, the allegations are that, he tried to destroy the evidence. However, there is nothing incriminating against the applicant, except this, to connect him with the alleged offence.

5. The learned APP submits that there are Call Detail Record (CDR), however, only on the basis of CDR, *prima-facie*, it cannot be said that the applicant is involved in the alleged offence.

6. Thus, in absence of any prima-facie incriminating material, particularly as regards the offence under Section 302 of the Indian Penal Code, I am of the opinion that purpose would be served if the applicant is directed to attend the concerned Police Station.

7. Furthermore, after completion of the investigation, the charge-sheet has already been filed, and on this ground also, the custodial interrogation of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that the applicant shall be released on bail in Crime No. 553 of 2022 registered with Police Station Digras, District: Yavatmal, for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station from 12/12/2022 to 17/12/2022 between 2.00 p.m. to 4.00 p.m. and thereafter as and when his presence is required.

- d) It is made clear that whenever his presence is required, the investigating officer shall issue 72 hours advance notice to the applicant.

The criminal application is **disposed of** accordingly.

JUDGE