



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

CRIMINAL APPLICATION (BA) NO. 680 OF 2023

Anand Ravindra Gedam

Vs.

State of Maharashtra, Thru. PSO, PS Ram Nagar, Chandrapur

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.P. Bhandarkar, Advocate a/w Mr. Ganesh Mate,
Advocate for applicant.
Ms. Sneha Dhote, APP for non-applicant/State.

CORAM : SHIVKUMAR DIGE J.

DATE : OCTOBER 27, 2023.

Heard learned counsel for applicant.

2. By this application, the applicant is seeking bail in Crime No.900/2021 registered with Ram Nagar Police Station, Chandrapur, for the offences under Sections 302, 201, 120-B read with Section 34 of the Indian Penal Code and Section 135 of Maharashtra Police Act, 1951.

3. It is prosecution's case that first informant's brother Sanket was killed by accused No.1 Shubham Sakharkar and accused No.2 Sangam Sagore by inflicting knife blows in his chest and neck

on 08.09.2021. It is alleged that applicant was involved in the said crime. He had caught hold the deceased and accused Nos.1 & 2 had assaulted the deceased with knife.

4. It is contention of the learned counsel for applicant that applicant has been falsely implicated in this case. There is no recovery at the instance of applicant. Name of applicant was not mentioned in FIR. On the basis of extra judicial statement of co-accused, the applicant has been arrested. Learned counsel further submitted that co-accused No.2 has been released on bail by this Court, whose name was mentioned in the FIR and allegations against whom are that he had assaulted the deceased with knife. Hence, requested to allow the application.

5. Learned APP submitted that applicant had assaulted the deceased with accused Nos.1 & 2. He had caught hold the deceased and accused Nos.1 & 2 assaulted deceased with knife. Learned APP further submitted that there is CCTV footage prior to the incident, in which it is seen that deceased was spotted with the applicant. The clothes wore by applicant at the time of crime is seized at his instance. Applicant has criminal antecedents. There is *prima*

facie case against the applicant. Hence, requested to reject the application.

6. I have heard both learned counsel and perused the FIR and charge-sheet.

7. Admittedly, applicant's name was not mentioned in the FIR. In the First Information Report, it is alleged that deceased was assaulted with knife by accused Nos.1 & 2. During the course of investigation, on the basis of disclosure statement made by accused Nos.1 & 2, applicant has been arrested. There is no recovery at the instance of applicant except his clothes. The accused No.2, against whom the allegations are that he had assaulted the deceased with knife, has been released on bail by this Court. Though there are criminal antecedent against applicant he has been released on bail in those cases. In view of above, further detention of the applicant is not required. Hence, I pass following order :

ORDER

- (i) The criminal application is allowed.
- (ii) Applicant – Anand Ravindra Gedam be released on bail in Crime No.900 of

2021, registered at Ram Nagar Police Station, Chandrapur, on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with solvent surety in the like amount before the trial Court.

(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 learned trial Judge in the conduct of the trial.

8. The criminal application stands disposed of accordingly.

(SHIVKUMAR DIGE, J.)