



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

Criminal Application [BA] No.750 of 2023

Shri Datta Ananda Chavan

vs.

State of Maharashtra, through Police Station Washim City, District Washim

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

Court's or Judge's Orders

Mr. S. Shinde, Advocates for the Applicant.

Mr. V.A. Thakare, A.P.P. for the Non-Applicant/State.

CORAM : M.W. CHANDWANI, J.
DATE : 6th OCTOBER, 2023.

The applicant seeks bail in connection with Crime No.807/2022, registered with Police Station Washim City, District Washim, for the offence punishable under Sections 460, 201 read with Section 34 of the Indian Penal Code.

02] Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

03] Perused of the charge-sheet goes to show that during intervening night of 20/10/2022 and 21/10/2022, when the informant along with others were sleeping in the tin shed and some temporary structure, which belonged to Smt. Sushila Parashram Mahale, some unknown persons stole the amount of Rs.10,000/- to Rs.15,000/-, one mobile of OPPO company and another mobile of Intex Company by cutting the pockets of 5 to 6 persons, who were sleeping there. On resistance, the unknown person inflicted a blow by sharp edged weapon on the stomach of brother of the applicant. The brother of the applicant succumbed to the injury. Therefore, the aforesaid offence came to be registered against the unknown persons.

Subsequently, the applicant along with other co-accused came to be arrested.

04] Further perusal of charge-sheet goes to show that there is no eye witness to the incident of causing death of brother of the informant and in committing house trespass in the night. The entire case of the prosecution is based on the circumstantial evidence, such as, recovery of weapon used in the crime, mobile phones and cash, which have been recovered at the instance of the present applicant. Except this, there is no other incriminating material against the present applicant in the entire charge-sheet. It also appears that the charge-sheet has been filed. The applicant is behind the bars since last one year. Some of the accused persons have already been released on bail by the learned Additional Sessions Judge. The trial will take considerable time. The applicant is having fixed place of abode. There is no likelihood that the applicant will flee away from justice.

05] Considering the material against the applicant, a case is made out for exercising the discretion in favour of the applicant. Hence, the following order :

- i. The application is allowed.
- ii. Applicant – Datta Ananda Chavan shall be released on bail in Crime No.807/2022 registered with Police Station Washim City, District Washim, on his furnishing a P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one or two solvent sureties in the like amount, before the trial Court.

- iii. The applicant shall not approach the prosecution witnesses.
He shall not tamper with the prosecution evidence.
- iv. The applicant shall regularly attend the trial.
- v. The application is disposed of in the above terms.

JUDGE

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