



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

CRIMINAL APPLICATION (ABA) NO. 553 OF 2023

Swapnil s/o Chandrabhan Mandhalkar Vs. State of Maha., thr. PSO, PS Sakkardara Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr D.V. Chauhan Advocate for the applicant.
Mr Abhijit Mate, APP for the State

CORAM : G.A. SANAP, J.

DATE : OCTOBER 17, 2023.

(1) Heard finally.

(2) The applicant who is accused No.2 apprehending his arrest in Crime No.367/2023, registered with Police Station, Sakkardara, Nagpur for the offence punishable under Sections 342, 364-A, 394, 504 and 506(2) read with Section 34 of the Indian Penal Code, 1860.

(3) Learned Advocate for the accused No.2/applicant submits that considering the role attributed to the accused No.2, his custodial interrogation is not necessary. Learned Advocate further submitted that recovery of the article involved in the crime has already been effected. It is further pointed out that remaining

four accused after their arrest have been released on bail by the Sessions Court. Learned Advocate pointed out that in terms of the directions by this Court vide order dated 11/08/2023 the accused No.2/applicant has co-operated the police and has not misused the liberty granted by this Court. Learned Advocate submitted that therefore, the applicant/accused No.2 may be granted anticipatory bail.

(4) Learned APP submitted that car in which the informant was abducted belongs to the accused No.2/applicant. Learned APP took me through the report and pointed out that specific role has been attributed to the accused No.2/applicant. Learned APP submitted that in order to put finality to the investigation in all respect, custodial interrogation of accused No.2 is necessary.

(5) It is necessary at the out set to state that prosecution has not made grievance that accused No.2 has either misused the liberty granted to him by this Court or has not co-operated in the investigation. It is undisputed that the articles involved in the crime have already been recovered. The recovery was made from the co-accused. It is seen that the car used in the crime belongs to the applicant/accused No.2. The question that needs to be

addressed is whether the arrest of the accused in the facts and circumstances is warranted for the purpose of investigation?. In my view, the arrest may not be necessary because the valuable articles involved in the crime have already been recovered. The accused No.2/applicant has co-operated the police.

(6) Considering the nature of the crime and stage of investigation, in my view, the case is made out for grant of anticipatory bail. Hence the following order:-

- i) Accordingly, the application is **allowed**.
- ii) The order dated 11.08.2023 granting ad-interim anticipatory bail is confirmed on the same terms and conditions.
- iii) The attendance as ordered by this Court to continue till filing of the charge-sheet.

(7) The Application stands disposed of accordingly.

(G. A. SANAP, J.)