



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

CRIMINAL APPLICATION (ABA) NO.584 OF 2023

(Ramesh Indrajeet Singh Vs. State of Maharashtra thr. its PSO PS Bori (Butibori),
Dist. Nagpur)

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

Court's or Judge's orders.

Mr. C. R. Thakur, Advocate for Applicant.
Ms. Mukta R. Kavimandan, APP for Non-Applciant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 7th DECEMBER, 2023.

By preferring this application, the applicant is seeking pre-arrest bail in respect of Crime No.66/2009 registered with Police Station Butibori, District Nagpur for the offences punishable under sections 365, 367, 506, 147, 148 and 149 of the Indian Penal Code.

2. The applicant is apprehending arrest at the hands of police, as police is behind him to arrest stating that crime is registered against him in the year 2009 under section 365 and 367 of the IPC along with the other co-accused. As per the allegation in the FIR, informant was dealing with the scrap business and the other co-accused Saimood Khan was also dealing with same business who threatened the informant. It is further alleged that on 01.04.2009 when informant was seating at the *dhabha* of one Asola Sardar, at the relevant time co-accused Saimood Khan, Lala Tiwari, Gulab Shau, Amit Tiwari came there and abducted him by taking in the way. He was also assaulted by the said accused

persons on the basis of said report police have registered the crime.

3. The learned counsel for the applicant Mr. Thakur submitted that as far as the abscondance of the present applicant from 2009 is concerned his name was not mentioned in the FIR even the charge-sheet is showing the different name he is not known by the name Pintu alias Deep Singh but the name of the present applicant is Ramesh Deep Singh. Therefore, the applicant was not knowing regarding the registration of the FIR. In fact the recitals of the FIR nowhere discloses his name and no specific role is attributed to him.

4. The said application is strongly opposed by the State on the ground that since 2009 due to the absence of the present applicant, the trial is held up. The applicant was absconding. During investigation the role of the present applicant is revealed and his physical custody is not required.

5. After hearing the learned counsel for the applicant and the learned APP for the State. Perused the investigation papers there is a substance in the contention of the learned counsel Mr. Thakur that neither the name of the present applicant is mentioned in the FIR and the wrong name is mentioned in the charge-sheet. On perusal of the FIR also not specific role is attributed to the present applicant as his name itself is not mentioned in the FIR. As far as the allegations of the talk are concerned which is not against the present applicant, the co-accused Saimood Khan is

already released on anticipatory bail. In the facts and circumstances, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order:

- [i] The application is allowed.
- [ii] The applicant is released on anticipatory bail in the event of his arrest in connection with Crime No.66/2009 registered with Police Station Butibori for the offences punishable under sections 365, 367, 506, 147, 148 and 149 of the Indian Penal Code, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- [iii] The applicant shall attend concerned police station as and when required for the investigation purpose and shall co-operate in the investigation.
- [iv] The applicant shall not tamper with the prosecution evidence or shall not induce, threaten or pressurize any witnesses, who are connected with the crime.
- [v] The applicants shall submit their mobile number and address with address proof.

6. The application is disposed of.

JUDGE