



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

CRIMINAL APPLICATION (BA) NO.1120 OF 2023

(Adarsh Sudhir Gulade 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

Mr. Mohd. Salim, Advocate for the applicant.
Mr. A.G. Mate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- DECEMBER 21, 2023.

Heard.

2. By this application, the applicant is seeking bail under Section 439 of the Code of Criminal Procedure in connection with Crime No.915/2023, registered with Police Station Paratwada, Tahsil Achalpur, District Amravati for the offence punishable under Sections 399, 402 of the Indian Penal Code and Section 142 of the Maharashtra Police Act, 1951.

3. The applicant is arrested on 26/10/2023. Since then he is behind bar.

4. As per the accusation, the Police Officer received secret information that on 26/10/2023 some people were sitting in a four-wheeler bearing registration No.MH-15-FF-7314 near Awghad Baba Temple at Ajangaon road and they were having weapons in their hand and preparing for dacoity. Immediately, they rushed to the spot and took all the accused persons in custody. Weapons are seized from the said persons. One wooden stick was found in the hand of the present applicant. On the basis of said report, police have registered the crime.

5. Learned Counsel for the applicant submitted that now the investigation is completed, charge-sheet is yet to be filed. The stick is recovered from the present applicant and no other weapon was found in the hands of the present applicant. Merely on suspicion the present applicant is arrested. Considering the investigation is completed further incarceration is not required and prays for releasing the applicant on bail.

6. Learned Additional Public Prosecutor filed his reply and strongly opposed the application on the ground that the applicant along with the other co-accused found preparing to commit dacoity. They were with deadly weapons and also found chilli powder along with them. Thus, ample material is collected during the investigation to show the involvement. If applicant is released on bail, there is apprehension that he would involve similar type of the offence and prays for rejection of the application.

7. After hearing both the sides and on perusal of the investigation papers it reveals that the applicant was found holding stick in his hand. No other weapon is recovered from the present applicant. The Investigating agency come to the conclusion as they were found along with the weapons in the car. Now, investigation is completed and charge-sheet is yet to be filed. Further incarceration of the present applicant is not required as nothing is to be seized from him. In the above circumstances, the application deserves to be allowed by

imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
 - (ii) The applicant – Adarsh Sudhir Gulade in connection with Crime No.915/2023, registered with Police Station Paratwada, Tahsil Achalpur, District Amravati for the offence punishable under Sections 399, 402 of the Indian Penal Code and Section 142 of the Maharashtra Police Act, 1951, be released on bail on furnishing PR. Bond in the sum of Rs.25,000/- with one surety in the like amount.
 - (iii) The applicant shall attend concerned police station once in a month i.e. on first day of every month.
 - (iv) The applicant shall furnish his Cell phone number and address with address proof before the Investigating Officer.
 - (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
8. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)