



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 508 OF 2024

SANJAY VITTHAL NANNAVARE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Bhushan S. Dhawale, Advocate for Applicant
Mr. A.A. Khan, APP for Respondent/State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 06th MAY, 2024

PER COURT :

1. Applicant seeks bail under Section 439 of Cr.P.C. in C.R. No.72/2024, registered with Dharangaon Police Station, Dist. Jalgaon, for offence punishable under Sections 395, 504 and 506 of Indian Penal Code.

2. FIR is lodged by Devidas Hemraj Thakur, who runs Hotel Bhau at village Paldhi, Tq. Dharangaon, Dist. Jalgaon. It is alleged that on 17/02/2024 when he was present at his hotel at 11.30 p.m., accused Padmakar Nannavare came there along with five to six unknown persons and demanded liquor at wine shop rates, informant refused the same. Yet, informant gave one quarter liquor to accused at wine shop rate, however, he insisted for more liquor at wine shop rate. Accused, thereafter, caught hold of informant and dragged him out of the shop. All accused persons including present applicant assaulted him by fists and kick blows, so also, abused and

threatened to kill him. Due to assault, informant became unconscious. He was admitted in ICU ward of Galaxy Hospital. He regained his consciousness there. Later he realised that accused persons had robbed Rs.30,000/- from the counter of his hotel.

3. After registration of crime applicant came to be arrested on 18/02/2024. Anticipatory Bail Application No.524/2024 was filed by co-accused Padmakar Ravindra Koli (Nannavare), brother of applicant, which was rejected by this Court by order dated 24/04/2024. Since present application arises out of same crime, the matter is placed before this Court for consideration.

4. Heard learned advocate for applicant and learned APP for respondent/State. Perused the investigation papers.

5. Learned APP vehemently opposed the application contending that main accused Padmakar Nannavare is yet to be arrested and applicant is likely to tamper prosecution evidence if released on bail.

6. Admittedly, charge-sheet is yet to be filed. Merely because co-accused is yet to be arrest, that cannot be the ground to deny bail to applicant. Applicant has no criminal antecedents. He is permanent resident of village Bambhori, Tq. Dharangaon, Dist. Jalgaon, and has deep roots in the society. He is not likely to abscond if released on bail. Since charge-sheet is yet to be filed,

trial is not likely to take place in near future. Applicant, therefore, cannot be detained in custody for indefinite period.

7. In the result, application is allowed. Applicant be released on executing Personal Bond and Surety Bond of Rs.25,000/- with one surety in the like amount, in C.R. No.72/2024, registered with Dharangaon Police Station, Dist. Jalgaon, for offence punishable under Sections 395, 504 and 506 of Indian Penal Code.

8. Till filing of charge-sheet, applicant shall not enter the village Naand Khurd, Tq. Erandol, Dist. Jalgaon. Till filing of charge-sheet, applicant shall attend concerned police station on every alternate day, between 10:00 a.m. to 12:00 p.m. and shall co-operate in the investigation. Applicant shall not tamper prosecution evidence.

(NITIN B. SURYAWANSHI, J.)