



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

CRIMINAL APPLICATION (ABA) NO. 25 OF 2024

Sahil Prakash Gawande Vs State of Maharashtra.

WITH

CRIMINAL APPLICATION (ABA) NO. 83 OF 2024

Pawan Harishchandra Chaware 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. M.V.Rai, counsel for applicant (ABA No. 25/2024)

Mr. A.S. Shukla, counsel for the applicant. (ABA No. 83/2024)

Mr. U.R.Phasate, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 05/04/2024.

1. By these applications, the applicants are seeking pre-arrest bail in the event of their arrest, in connection with Crime No. 1417/2023 registered with Police Station Wardha (City), District Wardha for the offences punishable under Sections 143, 147, 148, 452, 427, 504, 506, 307 read with Section 149 of the Indian Penal Code, 1860 and Sections 4 and 25 of the Arms Act, 1959.

2. Learned counsel for the applicants submitted that applicants are apprehending arrest at the hands of the Police as the accusation is made against them. On the basis of report lodged by one Purushottam Natthuji Pusdekar, who had alleged that in the intervening night of 05/11/2023 to 06/11/2023, the present applicants along with some unknown persons entered in the house by

pelting the stones and bricks on the gate of their house and caused damage to his house worth of Rs. 10,000/-. On the basis of which, the crime is registered.

3. Learned counsel for the applicants submitted that as far as the present applicants are concerned, their names are not mentioned in the FIR. Their names appears to be revealed during the investigation, however general role is attributed to them. No specific role or no weapon is attributed to them. Therefore, their custodial interrogation is not required. In view of that, they be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said applications on the ground that, identification of the present applicants is to be established by putting them in the test identification period. He further submitted that, statements of witnesses shows the involvement of the present applicants in the alleged offence and prays for rejection of the applications.

5. Having heard learned counsel for the applicants and learned APP for the State, perused the investigation papers. Admittedly, the names of the present applicants are not mentioned in the FIR, their names were revealed during the statement recorded by the investigating officer. As far as the role is attributed to them is concerned, general allegations made against them. In view of that no overt-act is attributed to them and no weapon is attributed to them, their custodial interrogation

is not required. In view of that, interim protection granted to them, deserves to be confirmed. Accordingly, I proceed to pass the following order:

- a) The criminal applications are **allowed**.
- b) In the event of his arrest, in connection with Crime No. 1417/2023 registered with Police Station Wardha (City), District Wardha for the offences punishable under Sections 143, 147, 148, 452, 427, 504, 506, 307 read with Section 149 of the Indian Penal Code, 1860 and Sections 4 and 25 of the Arms Act, 1959, the applicants – **Sahil Prarkash Gawande in Criminal Application (ABA) No. 25/2024 and Pawan s/o Harischandra Chaware in Criminal Application (ABA) No. 83/2024** shall be released on anticipatory bail, on executing PR. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c) The applicants shall attend the concerned Police Station as and when required for the investigation purpose and shall co-operate with the investigating agency.
- d) The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

- e) The applicants shall furnish their cellphone number(s) and address with address proof before the investigating agency.

The criminal applications are **disposed of**.

[URMILA JOSHI-PHALKE, J.]