



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

CRIMINAL APPLICATION (BA) NO. 189 OF 2024

Shrikrushna S/o Shivaji Patole V/s 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 the applicant.

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

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 12/03/2024.

1. The applicant came to be arrested on 21/01/2024, in connection with Crime No. 18/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 341, 395, 354, 506 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of report lodged by one Archana Anil Kayande on 20/01/2024 alleging that the present applicant along with the co-accused has sold their land having its area 1.24 H.R. by registered sale-deed dated 13/01/2022 to her mother-in-law namely Chandrabhaga Kayande for consideration of Rs. 11,11,000/-. The co-accused required the said amount to invest it in some other agricultural land, and also to bear the household expenses and therefore, gave the possession. However, all the accused threatened her in-laws to pay additional amount of Rs. 5,00,000/-.

3. It is further alleged that on 18/01/2024, the informant along with her husband were proceeding to her house on motorcycle, at that time, at about 6.00 to 06.30 pm. near one square, the present applicant and other co-accused restrained her and her husband, the present applicant by showing knife snatched the amount of Rs. 75,000/- from her, and also snatched her golden ornaments. She further alleged that the present applicant has also outraged her modesty by pressing her chest. On the basis of said report, the police have registered the crime against the present applicant.

4. The learned counsel Mr. M.V.Rai for the applicant submitted that as far as the role of the present applicant is concerned, wherein it is alleged that he has shown the knife and snatched the amount of Rs. 75,000/- from the informant. During the investigation, neither the knife is recovered nor the amount of Rs. 75,000/-. This allegations are made only out of the land dispute and only to attribute the more gravity to the alleged offence. He further submitted that, now investigation is completed and charge-sheet is yet to be filed, further incarnation of the present applicant is not required and prays for releasing him on bail.

5. The learned APP strongly opposed the application on the ground that present applicant to whom the major allegations are attributed. If he released on bail, he would tamper with the prosecution evidence. He further submitted that the amount of Rs. 75,000/- is not recovered and

considering the allegation, the application deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers. There is no dispute as to the fact of the transaction between the present applicant and the family members of the informant. The investigation is already completed. Admittedly, neither the amount nor weapon is recovered at the instance of the present applicant. The investigation is completed and charge-sheet is yet to be filed. Considering the nature of the offence, further incarnation of the present applicant is not required. In view of that, application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] In connection with Crime No. 18/2024 registered with Police Station Deulgaon Raja, District Buldhana for the offence punishable under Sections 341, 395, 354, 506 of the Indian Penal Code, 1860, The applicant – **Shrikrushna s/o Shivaji Patole**, shall be released on bail, on executing PR. Bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the present case.

- d] The applicant shall not enter into the agricultural field which is in dispute, till culmination of the trial.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]