



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

CRIMINAL APPLICATION (BA) NO. 201 OF 2024

Prajwal s/o Ashish Kamble 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. A.A.Choube, counsel for applicant.

Mrs. Swati Kolhe, APP for non-applicant/State.

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

1. The applicant came to be arrested on 01/02/2024, in connection with Crime No. 83/2024 registered with Beltarodi Police Station, Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, 1860.

2. The accusation against the present applicant is on the basis of report lodged by Tashik Kishor Dhurve, on an allegation that on 31/01/2024 around 10.00 p.m., the informant along with his friends went for dinner at Samadhan Hotel situated on Amravati - Jabalpur road. On reaching there, one of the informant's friends namely Aman Shinde had received the call and while he was talking on the telephonic call, he was caught up in a dispute with some persons, the informant and his friends did not pay heed, and continued to have their dinner. Thereafter, around 1.30 a.m. on 01/02/2024, the informant and his friends left the said hotel and proceeding towards their house on their

two-wheeler. While they were returning, they saw a group of boys standing near the Mini Restaurant of Panjri Toll gate, and there was an altercation between Aman Shinde and a boy, who was wearing glasses. The dispute was settled by the informant and his friends and thereafter, they proceeding towards their house. It was noticed by them that a four-wheeler bearing No. MH-49 CD 4440 was following them. When the informant and his two friends were standing on a by-pass bridge on Wardha Road, the said vehicle rammed into their white Activa MH-49 BV 5059 from behind. The vehicle was damaged and one Saurabh Chinchalkar sustained the injuries. On the basis of said report, the police have registered the crime against the present applicant and other co-accused.

3. Learned counsel for the applicant submitted that from the recitals of the FIR, only allegation against the present applicant is to the extent that, he was sitting in the vehicle. Except for the said allegation, there is no overt act attributed to the present applicant, as far as the earlier quarrel is concerned, none of the witnesses that the present applicant has initiated the quarrel or he has played an active role in that. So, mere presence is not sufficient to implicate him in the alleged offence. He submitted that, now investigation is completed, further custodial interrogation of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application on the ground that during the identification parade, the present applicant is identified. Considering the prima-facie case, the application deserves to be rejected.

5. After hearing the learned counsel for the applicant and learned APP for the State, perused the investigation papers as well as recitals of the FIR. From the investigation papers and the recitals of the FIR, it reveals that the only allegation against the present applicant is that, he was sitting in the Car. As far as the allegation is concerned, it is not alleged that either the present applicant was driving the Car or there was any altercation between him and the informant or his friends. Considering the fact that now investigation is completed, the Test Identification Parade is also held, further incarnation of the present applicant is not required. Therefore, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is **allowed**.
- b] In connection with Crime No. 83/2024 registered with Beltarodi Police Station, Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code, 1860, the applicant- **Prajwal s/o Ashish Kamble** is released on bail, on executing P.R. Bond of Rs. 25,000/- with one solvent surety in the like amount.

- c] The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of this case.
- d] The applicant shall attend the proceeding before the trial Court without seeking any exemption, unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]