



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

CRIMINAL APPLICATION (ABA) NO. 211 OF 2024

Nilesh alias Vicky S/o Lokram Meshram and another 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. S.G. Karmarkar, counsel for the applicants.

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

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 08/05/2024.

1. Apprehending the arrest at the hands of the Police, in connection with Crime No. 190/2023 registered with Police Station Salekasa, District Gondia for the offence punishable under Sections 397, 395, 341 of the Indian Penal Code, 1860, the applicants approached to this Court for grant of pre-arrest bail.

2. The accusation against the present applicants is on the basis of report lodged by Girbar Umrao Pichore, on an allegation that, he and his relatives are engaged in trading/sale and purchase of bullock. On 28/05/2023 at about 8.30 a.m his younger brother Dinesh, Chaindas and Sevakram had been to Kati Bullock market and during the course of the day, they purchased 17 bullocks and while returning from the market, they were slept. At about 1.00 p.m. the co-accused committed the theft of 2 bullocks. It is alleged that thereafter applicants have stealed the said bullocks and the said bullock were found tied in an unknown place. Thereafter, they

recovered the custody of the said two bullocks. Thereafter, when they were proceeding alongwith bullocks in the vehicle, their vehicle was intercepted by the co-accused, and the present applicant No.1 has assaulted them and the amount of Rs.16,000/- was snatched from them. On the basis of the said report, the police have registered the crime against the present applicants.

3. Learned counsel for the applicant submitted that as far as the applicant No.1 – Nilesch is concerned, general allegations is made against him. Though his name is mentioned in the FIR. He submitted that as far as the applicant No.2 is concerned, his name is not mentioned in the FIR, other two co-accused are already arrested and released on bail. The necessary seizures are already carried out by the investigating officer. Now, investigation is already completed and charge-sheet is already filed, the custodial interrogation of the applicants is not required. In view of that, they be protected by granting ad-interim anticipatory bail.

4. Learned APP strongly opposed the said application on the ground that considering that four persons were assaulted by the present applicants and the other co-accused. There is specific allegations against the applicant No.1 that he has assaulted the prosecution witnesses and the informant, their custodial interrogation is required and prays for rejection of the application.

5. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers.

On perusal of the investigation papers, it shows that four persons i.e. Chaindas, Sitaram, Premlal and Bhivraj sustained the injuries in the said incident. The injury Nos. 1 and 2 of the Chaindas are grievous in nature. All other prosecution witnesses have sustained the injury, which are simple in nature. The incriminating articles are already recovered by the investigating officer from the arrested accused.

6. On perusal of the FIR, it reveals that general allegations is made against the applicant No.1. As far as the applicant No.2 is concerned, his name is not mentioned in the FIR. The statement of the witness namely Kailas, nowhere specifies the role of the applicant No.1. However, the other injured witnesses have named the applicant No.1 but general allegations is made against him that he has also assaulted by means of stick. Now investigation is already completed and charge-sheet is already filed, further incarceration of the present applicants is not required. Therefore, prayer of the applicants deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] In the event of their arrest, in connection with Crime No. 190/2023 registered with Police Station Salekasa, District Gondia for the offence punishable under Sections 397, 395, 341 of the Indian Penal Code, 1860, the applicants- (1) Nilesh alias Vicky Lokram Meshram (2) Anil s/o Parasram Neware shall be released on anticipatory bail on executing PR.

Bond of Rs. 25,000/- each with one solvent surety in the like amount.

- b] The applicants shall attend the concerned Police Station once in a week on Monday between 10.00 a.m. to 01.00 p.m and shall cooperate with the investigating agency till further orders.
- c] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]