



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.1373 OF 2024

(Shri Yogesh @ Chintu Parse Vs. The 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. N.B. Kalwaghe, Advocate for the applicant.
Mr. K.R. Lule, APP for the State.
Ms N.S. Mahajan, Advocate for Assist to Prosecution.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- AUGUST 5, 2024

Heard.

2. By this application, the original complainant is seeking permission to assist the prosecution by engaging the Counsel.

3. In view of the contention raised in the application and the application is filed by the original complainant, permission is granted to engage the Counsel to assist the prosecution.

4. The application is allowed and disposed of accordingly.

CRIMINAL APPLICATION (ABA) NO.415 OF 2024

Apprehending the arrest at the hands of police in connection with Crime No.363/2024, registered with Police Station Buldhana, District Buldhana for the offences punishable under Sections 392 of the Indian Penal Code, the applicant approached this Court for grant of pre-arrest bail.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by the complainant on an allegation that on 09/05/2024 when she had been to the garden for a walk at that time present applicant snatched her gold chain and flee away from the spot of incident. On the basis of said report, police have registered the crime. He submitted that there was a previous dispute between the present applicant and the complainant. He also pointed out from the documents on record that the son of the present complainant had filed one criminal complaint under Section 138 of the Negotiable Instrument Act, 1881 against one Jeevan Ganesh Tayde wherein the present applicant was the witness to the said transaction. Thereafter earlier also one NC was filed against the present applicant and other co-accused alleging that they have taken the gold ornaments and not returned back to her. Thus, he submitted that out of the previous dispute, this false report is filed against the present applicant. He also pointed out from the reply that as per the reply, the alleged spot of incident is in front of the house of one Gupta whereas the recitals of the FIR shows that the spot of incident is garden. Thus, there are various inconsistencies. As far as the custodial interrogation of the applicant is concerned which is not required. The applicant is ready to cooperate with the investigating agency

3. Learned APP and learned Counsel for the complainant strongly opposed the said application on the

ground that the custodial interrogation of the applicant is required for the recovery of the said gold chain. In view of that, the application deserves to be rejected.

4. I have heard learned Counsel for both the parties. Perused the investigation papers from which it reveals that as per the allegation when victim had been to the garden, present applicant had snatched her gold chain. During investigation the Investigating Officer has recorded various statements of the witnesses. It further reveals from the documents filed on record that there is a previous dispute between the complainant and the applicant and various NC's are filed by the complainant against the present applicant.

5. Considering the previous dispute it appears that the involvement of the present applicant is in the alleged crime. As far as the recovery of the ornaments is concerned which can be taken care of by imposing certain conditions on the present applicant. Accordingly, I proceed to pass the following order :

(i) The application is allowed.

(ii) In the event of arrest, the applicant - Shri Yogesh @ Chintu Parse in connection with Crime No.363/2024, registered with Police Station Buldhana, District Buldhana for the offences punishable under Sections 392 of the Indian Penal Code, be released on

anticipatory bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the concerned police station once in a week i.e. on every Sunday between 10.00 a.m. and 1.00 p.m. and shall cooperate with the investigating agency.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

**Divya*