



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

CRIMINAL APPLICATION (BA) NO. 615 OF 2024

Rajesh s/o Jaglal Jaiswal 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. A.S. Mardikar, Senior Counsel with Mr. V. Awchat, counsel for the applicant.
Mr. K.R. Lule, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 16/07/2024.

1. The applicant came to be arrested on 08/06/2024, in connection with Crime No. 198/2024 registered with Police Station Maregaon, District Yavatmal for the offence punishable under Sections 323, 326, 342, 364-A, 395, 504, 506 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by the complainant, namely Salim Sultan Gilani, alleging that on 07/06/2024 when he was proceeding from Pandharkawada to Wani, at that time one Scorpio Car overtook his vehicle, and his vehicle was restrained. Some unknown persons get down from the said vehicle and snatched his cash amount of Rs. 2,000/- and also asked him to transfer Rs. 18,900/- from his phone pay. It is further alleged that co-accused Naresh Jaiswal abducted him and brought him into the office; when he was brought to the office, the present applicant assaulted him and detained him

in the office for two hours. On the basis of said report, police have registered the crime.

3. Heard learned Senior Counsel Mr. A.S. Mardikar for the applicant. He submitted that, except the name of Naresh Jaiswal, the names of the abductors are not mentioned in the FIR. As far as the role of the present applicant is concerned, he came into the picture after the informant was brought to the office of said Naresh Jaiswal. It is alleged that after the informant was brought in office of Naresh Jaiswal by the said Naresh Jaiswal and others, the present applicant came there and assaulted him, and detained him in the office for two hours. Thus, he submitted that the involvement of the present applicant is neither in the dacoity nor in the abductor of the informant. Now, the investigation is practically completed and though charge-sheet is not been filed, further incarceration 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 the present applicant and the other co-accused in furtherance of their common intention, abducted the informant, snatched his amount, and also assaulted him, and therefore, the offence under Sections 395 and 364-A is revealed against the present applicant. He submitted that the investigation is still in progress and charge-sheet is yet to be filed. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. From the statement of the informant itself, it revealed that when he was brought in the office of co-accused Naresh Jaiswal, the present applicant came there alongwith one person and assaulted him, and detained him for two hours. Thus, the role of the present applicant started after the informant was brought in the office. Thus, at the most, the offence under Sections 342 and 323 is made out against the present applicant. Considering that, the investigation is practically completed, and further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a) The application is allowed.
- b) The applicant – Rajesh Jaglal Jaiswal, shall be released on bail, in connection with Crime No. 198/2024 registered with Police Station Maregaon, District Yavatmal for the offence punishable under Sections 323,326, 342, 364-A, 395, 504, 506 of the Indian Penal Code, 1860, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned police station as and when required for the investigation purpose and shall cooperate with the investigating agency.

- d) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The criminal application stands disposed of.

[URMILA JOSHI-PHALKE, J.]