



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

CRIMINAL APPLICATION (BA) NO. 696 OF 2024

Rohit Madhukarrao Kale 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. M.N. Ali, counsel for the applicant.

Mrs. H.N.Prabhu, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 22/08/2024.

1. The applicant came to be arrested on 07/07/2024, in connection with Crime No. 605/2024 registered with Police Station Frezerpura, District Amravati for the offence punishable under Sections 110, 288, 326(g), 49, 3(5) of the Bhartiya Nyay Sanhita, 2023.

2. The accusations against the present applicant is on the basis of report lodged by Kirti Chintamani Dahale, Superintendent of Central Prison, Amravati. As per the allegation, on 06/07/2024 at around 7.53 p.m. in the evening, in the area of Barrack Nos. 6 and 7 of Central Jail, Amravati, some unknown persons have thrown two plastic balls from the backside of the said barrack. Out of the two plastic balls, one was blasted, and there was a loud noise. The concerned staff on duty, upon noticing the same, immediately rushed towards the spot. At the spot, they found another plastic ball which was not blasted. The concerned jail staff immediately reported the said incident to the respondent police station. The investigating agency

reached on the spot and conducted a spot panchanama, and incriminating material was seized. On the basis of said information, the crime was registered against the unknown person. During the investigation, the involvement of the present applicant as well as other co-accused was revealed, and therefore, he was arrested.

3. Heard learned counsel for the applicant who submitted that, as far as the act of the applicant is concerned, it was done by celebrating the birth day, it was not the intentional act. At the most, it can be said that it was a childish act by the applicant. Now the investigation is practically completed, though the charge-sheet is not filed. In the said incident, nobody has sustained any injuries. Considering that, for a sufficient period, the applicant is behind bars, further incarceration of the present applicant is not required. He be released on bail.

4. Learned APP for the state strongly opposed the said application and submitted that the investigating agency had found an empty cover of a fire cracker near the wall of the prison, and on inquiry, it was revealed that the said fire cracker was purchased from one Mankar Phataka Bhandar by the present applicant. During the investigation, it was further revealed that the applicant had taken the said fire crackers on credit and used the same. Considering the act of the present applicant, which is of a serious nature, hence, the criminal application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers, from which it reveals that two plastic balls are found in barrack Nos. 6 and 7, out of which one was blasted. Admittedly, there was no injury sustained by any of the jail inmates or the staff of the jail. The another ball was recovered by the investigating agency. Now, the investigation is already completed and charge-sheet is yet to be filed. The incriminating material is already been seized by the investigating agency. In view of that, the further incarceration of the present applicant is not required. Accordingly, I proceed to pass the following order;

- a] The criminal application is allowed.
- b] The applicant- Rohit Madhukarrao Kale, shall be released on bail, in connection with Crime No. 605/2024 registered with Police Station Frezerpura, District Amravati for the offence punishable under Sections 110, 288, 326(g), 49, 3(5) of the Bhartiya Nyay Sanhita, 2023, 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 the present case.
- d] The applicant shall not indulge in similar types of activities and if found, the bail

granted to the applicant deserves to be cancelled.

- e] The applicant shall not enter into the vicinity jail premises.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]