



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

CRIMINAL APPLICATION (BA) NO.709 OF 2024
(Narendra Ramesh Chavhan 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.J. Paunikar, Advocate for the applicant.
Mr. A.J. Gohokar, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- AUGUST 29, 2024.

By this application, the applicant is seeking bail as he came to be arrested on 27/03/2024 in execution of warrant in connection with Crime No.145/2010 registered with Police Station Malegaon, District Washim for the offence punishable under Sections 399, 400 and 402 of the Indian Penal Code and Sections 3 and 25 of the Arms Act, 1959.

2. The crime is registered on the basis of the report lodged by one Parshuram Bhasu Rathod who is serving as a Police Officer on an allegation that he received the secret information that some persons hide themselves and thereafter they restrained the passers-by and commits dacoity by snatching the amounts and the articles from them. After receipt of the said information he immediately proceeded on the spot and the persons were caught. At the relevant time two persons namely co-accused Parmeshwar Pandurang Sable and Vijendra Ramesh Chavhan were accosted at the spot whereas the

other persons fled away from the spot. During investigation, the present applicant is also arrested on the basis of the statement of the co-accused.

3. Learned Counsel for the applicant submitted that after arrest of the accused he was released on bail and was attending to proceeding but due to the Covid-19 situation he left his residence and went outside the village in search of the work. Due to the Covid-19 situation and he was in requirement of the work he again not returned to his village, and therefore, he has not attended the proceedings and thereafter the non-bailable warrant was issued against him as well as proclamation was also issued against him. She submitted that the applicant is ready to remain present before the Sessions Court as well as he would cooperate as far as the disposal of the case is concerned. She also submitted that in the another crime this Court has already released him bail. As far as the merits of the matter is concerned except the statement of the co-accused there is no other material to connect him with the alleged offence. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that due to the absence of the accused since 2021 the trial before the Sessions Court is held up. If applicant is released on bail he would not be available for trial and trial will be held up again. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers. Undisputedly, the only evidence against the present applicant in the above said crime is the statement of the co-accused which is not admissible. As far as the criminal antecedents are concerned admittedly his involvement is in the subsequent offence bearing Crime No.292/2021 wherein he is already released on bail as there was no direct evidence to show his connection with the alleged offence. The application for bail is preferred as in an execution of warrant he is arrested and produced before the Court and the learned Sessions Court has rejected his application. The reason mentioned by the applicant is that due to the Covid-19 situation he left his village in search of work, he had been to the another city, and therefore, he could not attend the proceeding. Considering the reasons mentioned in the application, at the same time considering that due to the absence of the applicant, the trial is held up. Hence, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order :

- (i) The application is allowed.
- (ii) The applicant - Narendra Ramesh Chavhan in connection with Crime No.145/2010 registered with Police Station Malegaon, District Washim for the offence punishable under Sections 399, 400 and 402 of the Indian Penal Code and Sections 3 and

25 of the Arms Act, 1959, be released on bail on executing P.R. bond in the sum of Rs.25,000/- with one surety in the like amount.

(iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month and the police station officer shall record his presence.

(iv) The applicant shall not leave the jurisdiction of the Washim district till culmination of the trial.

(v) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicant shall not induce, threat or promise any witnesses in any manner who are acquainted with the facts of the case.

(vii) The contravention of any of the condition would lead to the cancellation of bail.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)