



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

CRIMINAL APPLICATION (BA) NO. 728 OF 2024

Harshad Ramdas Sherekar and another. 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.R. Tiwari, counsel for the applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/08/2024.

1. The applicants 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 applicants are on the basis of a 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, and 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. On the basis of said report, police have registered the crime.

3. Learned counsel for the applicants submitted that, as far as the act of the applicants is concerned, they were celebrating the birthday, and it was not an intentional act, but accidentally it was blasted. Now investigation is practically completed, and the other co-accused is already released on bail. In the same incident, nobody has sustained the injuries. In view of that, the application be allowed.

4. Learned APP strongly opposed the said application and submitted that the gravity of the offence is to be ascertained from the fact that the said blast was near the Barak Nos. 6 and 7, i.e., near the Central Prison of Amravati. Considering the act of present applicants, which is of a serious nature. Hence, the application deserves to be rejected.

5. After hearing learned counsel for the applicants 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 that one was blasted. Admittedly, no one has sustained the injury; at the same time, it is also undisputed that the area of the Central Prison is a sensitive area, and wherein the alleged incident has taken place, but considering the investigation is completed and charge-sheet is filed, the co-accused is already released on bail, so further incarceration of the present applicants is

not required. In view of that, the further incarceration of the present applicants is not required. Accordingly, I proceed to pass the following order;

- a] The criminal application is **allowed**.
- b] The applicants- (1) Harshad Ramdas Sherekar (2) Sumit @ Maggi Duryodhan Madavi, 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/- each with one solvent surety in the like amount.
- c] The applicants shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.
- d] The applicants shall not indulge in similar types of activities and if found, the bail granted to the applicant deserves to be cancelled.
- e] The applicants shall not enter into the vicinity jail premises.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]