



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

CRIMINAL APPLICATION (ABA) NO.549 OF 2024

Prajat s/o Rajesh Pancharia

Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Shanti
Nagar, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. M. Daga, Advocate for applicant.

Mr. A. G. Mate, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 02/08/2024

CRIMINAL APPLICATION (APPP) NO.1353 OF 2024

1. By this application, the State is seeking permission to exempt the State from filing the reply through e-filing.
2. It is submitted that despite its best effort found it difficult to upload the submissions/replies as the concerned website is very slow. In view of that the State be permitted to file the reply manually.
3. Considering the reasons mentioned in the application, the State is permitted to file reply manually.
4. The Criminal Application (APPP) No.1353/2024 is disposed of.
5. The reply of the State is taken on record.

CRIMINAL APPLICATION (ABA) NO.549 OF 2024

1. Apprehending the arrest at the hands of police in connection with Crime No.119/2024 registered under Sections 302, 201, 212 read with Section 34 of the Indian Penal Code and under Section 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, 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 one Dilip Harichand Chavhan, who has alleged that the death of his brother was caused on 03.04.2024 and it is further alleged that the other co-accused have eliminated the deceased as there was a dispute between them on account of the money transaction. On the basis of the said report, police have registered the crime against the co-accused.

3. During the investigation, it revealed to the investigating agency that present applicant has assisted the other co-accused in hiding the blood stains clothes, knife and mobile phone of the witness Sujay. The involvement of the present applicant is only on the basis of the statement of the co-accused which is not admissible.

4. Learned Counsel for the applicant submitted that the statement of the co-accused is not admissible to show the involvement of the present applicant. As far as the offence punishable under Section 4 and 25 of the Arms Act is concerned, the punishment which may extend up to five years is provided. The knife is already recovered and the clothes are also recovered at the instance of the statement of the co-accused. Thus, the custodial interrogation of the present applicant is not required. The investigation is already completed and charge-sheet is filed. In view of that, he be protected by granting anticipatory bail.

5. Learned APP strongly opposed the said application on the ground that during the investigation, the role of the present applicant is revealed. The statement of the mother of the present applicant specifically shows that the present applicant has hidden the clothes and weapon used in the crime in their house, which shows the involvement of the present applicant in the alleged offence and therefore, custodial interrogation of the present applicant is required. Considering the nature of the offence which is heinous one and prays for rejection of the application.

6. After hearing the learned Counsel for the applicant and learned APP for the State perused the investigation papers. Admittedly, the involvement of

the present applicant does not reveal in the actual commission of the murder. The only role attributed to the present applicant is that on the say of the co-accused, he has hidden the blood stained clothes, knife and one mobile phone of the witness Sujay. The said articles are already recovered at the instance of the co-accused on the basis of the memorandum statement. As far as the offence under Sections 201 and 212 are concerned, which are bailable one. The applicability of Section 4 and 25, at this stage, is doubtful. However, considering the offence punishable under Section 4 and 25 of the Arms Act is non-bailable one. The applicants are apprehending arrest at the hands of police and the role attributed to the present applicant is limited one, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) In the event of arrest, in connection with Crime No.119/2024 registered with Police Station, Shanti Nagar, Nagpur for the offences punishable under Sections 302, 201 and 212 read with Section 34 of the Indian Penal Code and under Section 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, the applicant **Prajat s/o Rajesh Pancharia** shall be released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(ii) The applicant shall attend the concerned Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. and shall cooperate with the investigating agency, till filing of the charge-sheet.

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

(iv) The applicant shall not enter into the vicinity of Dwarka Nagar, old Kamptee Road, Kalamna Police Station, Nagpur, till culmination of the trial.

7. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)