



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

CRIMINAL APPLICATION (BA) NO. 796 OF 2024

Sagar Pushkar Sharma 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. Amol Mohan Jaltare, counsel for applicant.

Mr. S.S. Hulke, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 26/09/2024.

1. The applicant came to be arrested on 20/07/2024, in connection with Crime No. 682/2024 registered with Police Station Ballarsha, District Chandrapur for the offence punishable under Sections 61(2), 326(g), 118, 109, 249 of the Bhartiya Nyaya Sanhita, 2023; Section 3(a) of the Explosive Substance Act, 1908.

2. The crime is registered on the basis of a report lodged by one Abhishek Brijgopal Malu, alleging that he is running a workshop which is situated at Gandhi Chowk Ballarpur, District Chandrapur. Initially, he lodged the FIR against the son of Santosh Ramsharan Gupta. As a son of the said Santosh Ramsharan Gupta, set his shop on fire. During the pendency of the investigation, the present applicant along with other co-accused conspired, and in pursuance of that conspiracy, the present applicant made available a SIM card to the other co-accused and also a room on a rented basis, and thereafter the other co-accused attacked on the Kartik, who was present in the shop, and at the relevant

time, other persons pelted the petrol bomb. The informant further alleged that, as he was scared there were persons who were also standing outside the shop and repeatedly pelting explosive substances at his shop. He hide himself at the roof of the shop. After they left the place, he came down in the shop and saw that his servant, Kartik, had sustained the bleeding injury on his left leg. Thereafter, he approached the police station and lodged the report. On the basis of said report, police have registered the crime against the present applicant.

3. Learned counsel, Mr. A.M. Jaltare for the applicant, submitted that as far as the present applicant is concerned, he is not named in the FIR, but the only allegation against the present applicant is that he made available a SIM card with the other co-accused and also a room on rent. He submitted that the said room was given to the co-accused on the rent prior to the incident. At the relevant time, there is no reason for the applicant to know for what purpose she need a room. As far as the supply of the SIM card is concerned, there is no other material which is collected by the investigating agency to substantiate the said contention. He submitted that, now investigation is completed and charge-sheet is filed, the further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed.

4. The learned APP strongly opposed the said application on the ground that it is the present applicant,

who not only provided the room on rent to the co-accused but also provided the SIM card, and the said SIM card is in use. There were continuous calls between the present applicant and the other co-accused, which is sufficient to show the involvement of the present applicant in the harboring of the offence and also the landlords statement shows that applicant is involved in securing the said role. In view of that, the application deserves to be rejected.

5. Head both sides, perused the investigation papers from which it reveals that the entire role of the present applicant, as per the prosecution to provide the SIM card as well as the room on a rented basis, is on the statement of the present applicant. Admittedly, the statement of the present applicant admitting the guilt is not admissible. As far as the conspiracy is concerned, except the statement of the co-accused, there is no other material to show either he was involved in the conspiracy or not. Admittedly, the direct evidence would not be available to show the conspiracy, but there should be some circumstances on record to show that the involvement of the present applicant in the conspiracy. As far as providing of the SIM card and room on the rented basis is concerned, which is on the basis of the statement of the co-accused, now considering that the investigation is completed there are two statements as per the learned counsel for the applicant. The charge-sheet is filed whereas as per submission of the APP submitted the charge-sheet is yet to be filed but considering the investigation, it appears to be practically completed and further incarceration of the

present applicant is not required. The co-accused with a somewhat similar role is already released on bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

ORDER

- a] The criminal application is allowed.
- b] The applicant – ***Sagar Pushkar Sharma*** shall be released on bail, in connection with Crime No. 682/2024 registered with Police Station Ballarsha, District Chandrapur for the offence punishable under Sections 61(2), 326(g), 118, 109, 249 of the Bhartiya Nyaya Sanhita, 2023; Section 3(a) of the Explosive Substance Act, 1908, on executing PR. bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]