



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

CRIMINAL APPLICATION (ABA) NO.617 OF 2024

Pratik s/o Fulchand Yadav

Vs.

State of Maharashtra, Through Police Station Officer, Shantinagar Police
Station, Nagpur

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

Court's or Judge's orders

Mr. D. S. Jagyasi, Counsel for the applicant.

Ms. M. A. Barabde, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 12/09/2024

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 further stated that the statement of the co-accused which 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, which is not attracted against the present applicant and the punishment for the same is up to five years. The entire incriminating material is already recovered. The custodial interrogation of the present applicant is not required. The other co-accused with the similar role is already released on 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 witnesses show 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. In view of that, the application deserves to be rejected.

6. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. The involvement of the present applicant reveals from the statement of the co-accused and the role attributed to the present applicant is on the say of the co-accused that he has made available the place for the co-accused to change his clothes which were blood stained. 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, is doubtful against the present applicant. In view of that, the applicant has made out a case for grant of anticipatory bail. Accordingly, I proceed to pass following order:

ORDER

(i) In the event of the arrest, the applicant **Pratik s/o Fulchand Yadav** shall be released on anticipatory bail, in connection with Crime No.119/2024 registered with Police Station, Shantinagar Police Station, Nagpur for the offences punishable under Sections 302, 201, 212 read with Section 34 of the Indian Penal Code and Section 4/25 of the Arms Act and Section 135 of the Maharashtra

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Police Act, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in 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.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)