



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

CRIMINAL APPLICATION (ABA) NO. 673 OF 2024

Uday @ Kalu s/o Tekbahadur Saud 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. R.A. Biranware, counsel for the applicant.

Mr. H.D. Dubey, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/10/2024.

1. Apprehending the arrest at the hands of police in connection with Crime No. 110/2023 registered with Police Station Gittikhadan, Nagpur for the offences punishable under Section 399 and read with Section 34 of the Indian Penal Code, 1860; Sections 3 and 4 read with Section 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. As per the allegation in the FIR, when the police squad was conducting a patrolling duty and reached Mankapur Square, they received the information that 5 to 6 persons were making preparation to commit dacoity in the dilapidated house and the farmland of Surendra situated outside the road proceeding opposite to Katol Naka Square. Immediately, they rushed to the spot of the incident, and two accused persons were found. In search, at the incidental spot, possessing a countrymade pistol with a bullet and knife, respectively. The other co-accused fled away along

with the present applicant. After due search, they could not found. After completion of the investigation, the investigating agency has filed the charge-sheet.

3. Learned counsel for the applicant submitted that as far as the involvement of the present applicant is concerned, which is doubtful. The name of the present applicant is not Uday @ Kalu Sahu, but his name is Uday @ Kalu Tekbahadur Saud.

He further submitted that, as far as the offence punishable under Section 399 of the Indian Penal Code is concerned, he is not involved in the said offence. Moreover, there are no criminal antecedents against him. In view of that, he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the said application and submitted that application itself is not maintainable, as the applicant was absconding for more than 13 years. In view of that, the application deserves to be rejected.

5. After hearing learned counsel for the applicant and learned APP for the State, perused the investigation papers. After completion of the investigation, the investigating officer has filed the charge-sheet. As far as the identity of the present applicant is concerned, the applicant for 13 years has neither approached the Court nor approached the investigating agency to clarify that his name is not Uday @ Kalu Sahu, but his name is Uday @ Kalu s/o Tekbahadur Saud. During the investigation, the investigating agency

found that involvement of the present applicant. Considering the long abscondance of the present applicant, for more than 10 years, and due to which the trial was held up.

6. In view of the above facts and circumstances, the application deserves to be rejected. Accordingly, I proceed to pass the following order.

The criminal application is rejected.

[URMILA JOSHI-PHALKE, J.]