



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

CRIMINAL APPLICATION (BA) NO. 992 OF 2024

Ansar Khan Alim Khan Pathan

Vs.

State of Maharashtra, Through Police Station Officer, Police Station,
Ramnagar, District Chandrapur

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

Court's or Judge's orders

Mr. A. C. Jaltare, Counsel for the applicant.

Mr. D. V. Chauhan, Public Prosecutor along with Mr. N. B. Jawade, APP for
non-applicant /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 14/11/2024

1. By this application, the applicant is seeking regular bail, as he was arrested on 27/01/2024 in connection with Crime No.84/2024 registered with Police Station Ramnagar, Chandrapur for the offences punishable under Sections 143, 147, 148, 302, 120(B) read with Section 149 of the Indian Penal Code, 1860, Sections 4, 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of a report lodged by Nilesh Bhagwan Hiwarale, alleging that there was a previous dispute between the co-accused and the deceased on account of obtaining the loan to purchase the vehicle. On 25/01/2024, at about 8.00 pm, when the informant along with the deceased and the other friends were chit-chatting, the deceased received a phone call from co-accused Himanshu Kumare, who abused him, and thereafter,

called him in front of the office of Swapnil Kashikar, i.e. one of the co-accused. There was a hot exchange of words between them, and during the altercation, the co-accused, Himanshu Kumare, took out the knife and gave the blow on the abdomen of the deceased. Due to which, the deceased fallen on the ground. As far as the present applicant is concerned, it is alleged that when the co-accused Himanshu Kumare gave the blow on the abdomen of the deceased, deceased was hold by the present applicant and other co-accused Sumit Date. On the basis of the said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that the co-accused with the similar role namely Sumit Date is already released on bail by this Court. Thus, on the ground of parity present applicant shall be released on bail. He further submitted that, except the allegation that present applicant was holding the deceased, at the time of the assault, there is no other role attributed and no overt act is attributed to him. As far as his knowledge that the co-accused was carrying the knife along with him, there is no material to show that he was aware about the intention of the other co-accused. During the investigation, the statements of the relevant witnesses are recorded and no different role is attributed to him. In view of that, the applicant be released on bail on ground of parity.

4. Mr. Chauhan learned Public Prosecutor strongly opposed the said application on the ground that gravity of the offence is to be looked into. The statements of seven eyewitnesses show the involvement of the present applicant, and in furtherance of the common intention, the said act is executed by the co-accused. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that the similar role is attributed to the present applicant as Sumit Date, who is already released on bail by this Court. As far as the statement and investigation papers are concerned, no other role is attributed to him. As far as his knowledge is concerned, there is no material to show that he was knowing that the co-accused was carrying the knife and would dealt a blow on the person of the deceased. There was no previous enmity between the present applicant and the deceased. Considering the material collected by the investigating agency, admittedly, no overt act is attributed to the present applicant. Now, the investigation is already completed, charge-sheet is filed, further incarceration of the present applicant is not required. 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 – **Ansar Khan Alim Khan Pathan** shall be released on bail, in connection with crime No.84/2024 registered with Police Station Ramnagar, Chandrapur for the offences punishable under Sections 143, 147, 148, 302, 120(B) read with Section 149 of the Indian Penal Code, 1860, Sections 4, 25 of the Arms Act and Section 135 of the Maharashtra Police Act, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

c] The applicant shall not enter into vicinity of Chandrapur city except attending the trial before the Sessions Court.

d] The applicant shall furnish his address with address proof wherein he is intending to reside after releasing him on bail, and shall furnish his cellphone number(s) to the investigating officer.

e] The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

f] The applicant shall not leave the jurisdiction of the entire Chandrapur District without prior permission of the Court.

g] The applicant shall attend the proceedings before the trial Court regularly without seeking exception unless there are exceptional circumstances.

The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)