



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

CRIMINAL APPLICATION (BA) NO. 974 OF 2024

Aniket @ Janglya s/o Jageshwar Kadav 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. A.B. Shende, counsel for applicant.

Mr. N.B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 12/11/2024.

1. Applicant came to be arrested on 13/03/2024, in connection with Crime No. 92/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Sections 120-B, 211, 201, 302 read with Section 34 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of a report lodged by one Neha Garib Sao, on an allegation that on 02/03/2024, her brother, Ravi, had been to Pachmadi along with his friends, and subsequently, she came to know that her brother was assaulted and sustained the grievous injuries and was brought to the hospital. After that, she immediately rushed to the hospital and saw her brother, who had sustained several injuries on his person. As there was a previous dispute between her brother and one Avesh Mirza, she suspected his involvement in the assault on her brother, and therefore, the crime is registered against the said Avesh Mirza.

3. During the investigation, the investigation officer has recorded various statements of the witnesses. Said Avesh Mirza and other co-accused are already arrested. On the basis of the statement of the co-accused namely Nadeemaltnesh @ Avesh Mirza Rahmat Beg, the involvement of the present applicant is revealed, and therefore, he was arrested.

4. Learned counsel for the applicant submitted that as far as the involvement of the present applicant in the actual assault, nowhere reveals from the investigation papers. The only allegation against the present applicant is on the basis of the statement of the co-accused that he has provided a knife to the co-accused which was used in the commission of the crime. Now, the investigation is already completed and charge-sheet is filed. He submitted that the statement on which the prosecution relied upon is not admissible, and therefore, there is no sufficient evidence to connect the present applicant in the alleged offence. In view of that, the applicant be released on bail.

5. Learned APP strongly opposed the said application and submitted that the statement of the co-accused as well as the criminal antecedents against the present applicant sufficiently show the background of the present applicant; in view of that, the application deserves to be rejected.

6. After hearing learned counsel applicant and learned APP for the State, perused the investigation papers. As far

as the involvement of the present applicant in the actual commission of the crime is concerned, none of the witnesses shows his presence at the spot of incident. The only allegation against the present applicant is on the basis of the statement of the co-accused that the present applicant has provided the knife with the other co-accused. The statement on which the prosecution placed reliance is not admissible to show the involvement of the present applicant in the alleged offence. Now, the investigation is already completed, and the charge sheet is already filed. Except the statement of the co-accused, there is no other material to connect the present applicant, the applicant has made out a case for grant of bail. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] Criminal Application is allowed.
- b] The applicant -Aniket @ Janglya s/o Jageshwar Kadav, in connection with Crime No. 92/2024 registered with Police Station Wathoda, District Nagpur for the offence punishable under Sections 120-B, 211, 201, 302 read with Section 34 of the Indian Penal Code, 1860, shall be released on bail, on executing P.R. bond of Rs.50,000/-with one solvent surety in the like amount.

- c] The applicant shall not enter into the jurisdiction of Jaripatka Police Station till culmination of the trial.
- d] The applicant shall induce, threat or promise any witnesses who are acquainted with the facts of the case.
- e] The applicant shall not leave the jurisdiction of the Nagpur City without prior permission of the Sessions Court, Nagpur.
- f] The applicant shall attend the Wathoda Police Station once in a month on 1st and 15th day of every month between 10.00 a.m. to 01.00 p.m. till culmination of the trial.

The criminal application is disposed of.

[URMILA JOSHI-PHALKE, J.]