



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

**CRIMINAL APPLICATION (BA) NO. 947 OF 2024**

ANUJKUMAR S/O AJAYKUMAR PANDEY VS THE 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. PR. Agrawal, counsel for applicant.

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

**CORAM : URMILA JOSHI-PHALKE, J.**  
**DATED : 22/11/2024.**

1. The applicant came to be arrested on 03/07/2024 in connection with Crime No. 84/2024 registered with Police Station Nandgaon Peth, Tahsil and District Amravati for the offence punishable under Sections 395, 397 and 201 of the Indian Penal Code, 1860; and Sections 3/25, 5/25 and 27 of the Arms Act, 1959; and Section 135 of the Maharashtra Police Act, 1951.

2. The crime is registered on the basis of a report lodged by one Ravi Namdev Balkhande alleging that he is a driver of a tipper vehicle bearing No. WB-53-C-2724 owned by one Ajmatkhan Pathan. On 10/03/2024, at about 9.45 p.m. when he reached near the village of Sawardi on Amravati – Nagpur road, at that time his tipper vehicle was stopped by one white coloured Bolero vehicle in which five persons were there. All those five persons have taken him towards Nagpur, and after crossing the distance of 10 K.M., the vehicle was again returned towards Amravati, and he was taken in one field where the

said persons snatched cash and a mobile phone from him, as well as from his friends, and thereafter, they left the complainant by threatening him. On the basis of the said report, police have registered the crime against five unknown persons. During the investigation, the involvement of the present applicant was revealed, and therefore, he was arrested. After completion of the investigation, the charge-sheet is filed.

3. Learned counsel for the applicant Mr. P.R. Agrawal submitted that as far as the involvement of the present applicant is concerned, the informant has narrated the description of the present applicant as well as other co-accused. Thereafter, the investigation was carried out, nothing was recovered during the investigation, and no weapons were also recovered at the instance of the present applicant. The investigation officer has also collected the CCTV footage from the Toll Plaza, from which the involvement of the present applicant does not reveal. He was placed for the identification parade. During the identification parade, the applicant was not identified. The investigating officer has not placed on record the identification parade as it is not supporting to the prosecution case. For all the above reasons, the applicant be released on bail.

4. Learned APP strongly opposed the said application on the ground that considering the fact that the nature of the weapons used by the applicant and other

co-accused in the commission of the crime, if he is released on bail, he would tamper with the prosecution evidence and would not be available for trial, and the trial would be held up. 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 informant has given description of the assailants. On the basis of the same, the sketch of the assailants and the dacoits were prepared. Thereafter, the present applicant came to be arrested. During the investigation, though the applicant is interrogated, nothing transpired from the investigation, and no weapon was seized at the instance of the present applicant. Thereafter, the present applicant was placed for T.I. parade, he was not identified during the T.I. parade also. The statement of the associates of the complainant shows that they could not identify the assailants during the identification parade. The report submitted by the investigation officer specifically shows that in view of the requisition, the T.I. parade was held however, as it was not assisting the prosecution to prove its case therefore, it is not made part of the charge-sheet.

6. Moreover, considering the nature of the investigation and the material collected during the investigation, admittedly no sufficient evidence is collected by the investigation officer, as far as the involvement of the present applicant is concerned. Considering the fact that,

now charge-sheet is filed, investigation is completed, and 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;

- a] The criminal application is allowed.
- b] The applicant - **Anujkumar s/o Ajaykumar Pandey**, shall be released on bail, in connection with Crime No. 84/2024 registered with Police Station Nandgaon Peth, Tahsil and District Amravati for the offence punishable under Sections 395 and 397 of the Indian Penal Code, 1860; and Section 25(3) and 27 of the Arms Act, 1959; and Section 135 of the Maharashtra Police Act, 1951, on executing PR. Bond of Rs. 25,000/- with one solvent surety in the like amount.
- c] The applicant shall attend the concerned police station twice in a month on 1<sup>st</sup> and 15<sup>th</sup> day of every month and the police station officer shall record his presence.
- d] The applicant shall furnish the local surety for the satisfaction of the concerned Court.
- e] The applicant shall furnish on record his address along with address proof and names of two relatives along with their address proof.

- f] The applicant shall attend the proceedings before the Sessions Court without seeking any exemptions unless there are exceptional circumstances.

The criminal application is **disposed of**.

[URMILA JOSHI-PHALKE, J.]