



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

CRIMINAL APPLICATION (BA) NO. 995 OF 2024

MOHIT S/O ARVIND THAKARE VS THE STATE OF MAHARASHTRA

WITH

CRIMINAL APPLICATION (BA) NO. 1001 OF 2024

DHANWAN S/O NATHU DIRBUDE 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. P.J. Mehta, counsel for applicant in both applications.

Ms. Shamshi Haider, APP for non-applicant/State. (BA No.995/24)

Ms. Kavita Bhondge, APP for non-applicant/State. (BA No. 1001/24)

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 12/11/2024.

1. The applicants came to be arrested in connection with Crime No. 750/2024 registered with Police Station, Katol for the offence punishable under Sections 310(2) and 127(7) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of a report lodged by Madhukar Gulabraoji Choudhary, on an allegation that in the intervening night of 05/09/2024 to 06/09/2024, at about 2.00 a.m. some unknown persons came in the farmhouse, assaulted him, and stolen the articles worth of Rs. 7,00,000/-. On the basis of said report, police have registered the crime against the unknown persons. During the investigation, the involvement of the present applicants is revealed. As far as the applicant in Criminal Application (BA) No. 1001/2024 applicant-

Dhanwan S/o Nathu Dirbude is concerned, who alleged to be the owner of the tractor, which was used in the commission of the crime.

3. Learned counsel for the applicants submitted that as far as further custodial interrogation of the present applicants is concerned, which is not required. The articles are already recovered, and the investigation is practically completed, there are no criminal antecedents against the applicants. In view of that, they be released on bail.

4. Learned APP in both the applications strongly opposed the said applications and submitted that involvement of the present applicants is in the offence of dacoity for which punishment of life imprisonment is provided. She submitted that the investigation is still in progress, in view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of investigation papers, it reveals that the articles are recovered from both the applicants. It is submitted by learned APP that other co-accused are still absconding. Merely because the other co-accused are absconding, the applicants cannot be kept behind bars. As far as the investigation part is concerned, regarding the investigation against the present applicants, which is on the verge of completion. Considering that there are no criminal antecedents against both the applicants and the articles are

already recovered, therefore further custodial interrogation is not required. The applicants cannot be kept behind bars for an indefinite period, as the trial would take its own time for its final decision. In view of that, both the applications deserve to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order.

- a] Criminal applications are allowed.
- b] The applicant in **Criminal Application (BA) No. 995 of 2024 [Mohit s/o Arvind Thakare]** and **Criminal Application (BA) No. 1001 of 2024 [Dhanwan s/o Nathu Dirbude]** shall be released on bail, in connection with Crime No. 750/2024 registered with Police Station, Katol for the offence punishable under Sections 310(2) and 127(7) of the Bharatiya Nyaya Sanhita, 2023, on executing PR. Bond of Rs. 50,000/- each with one solvent surety in the like amount.
- c] The applicants shall attend the concerned police station once in a week on Tuesday between 10.00 a.m. to 01.00 p.m. till filing of the charge-sheet.
- d] The applicants shall not leave the jurisdiction of the Nagpur City without prior permission of the Court.

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

The criminal applications are disposed of.

[URMILA JOSHI-PHALKE, J.]