



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

CRIMINAL APPLICATION (BA) NO. 1054/2023

Ritik @ Bhimte s/o Trigunath Muneshwar V/s 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. M.V.Rai, counsel for the applicant.

Mr. N.R.Rode, APP for the non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 08/02/2024.

1. The application is filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail, in connection with Crime No. 169/2022 registered with Police Station Samudrapur, District Wardha for the offence punishable under Sections 394 read with Section 34 of the Indian Penal Code, 1860. The applicant came to be arrested on 22/05/2022.

2. The accusation against the present applicant is on the basis of report lodged by Mojibul Ajimuddin Ansari alleging that on 03/03/2022 at about 11.00 p.m. when he was sleeping in his shop, three unknown persons entered into the shop, out of which, two persons were holding the knife and one person was holding the stick and assaulted by them, and also took the amount of Rs. 5,000/- from his pant pocket, Rs. 2400/- from the cash box, and one mobile phone worth of Rs. 1,000/-. On the basis of said report, the police have registered the crime against the present applicant. As

per the prosecution, on the said night, other two offences are registered against the present applicant of similar nature. During the investigation, the name of the present applicant is revealed as being involved in the above said crime.

3. Learned counsel for the applicant Mr. M.V. Rai submitted that except recovery of the knife, not a single penny was recovered from the present applicant. Now, since the date of arrest, he is behind bar. He is released on bail in the other two offences which are registered vide Crime Nos. 189/2022 and 214/2022 and he submitted that, now further incarceration of the present applicant is not required. The applicant is a young boy of 21 years, and he will abide by all the conditions imposed by this Court.

5. Learned APP strongly opposed the application on the ground that prima-facie material is collected during the investigation. During the investigation, one mobile phone, and one knife is recovered which shows the involvement of the present applicant in the alleged offence. If he is released on bail, there is every likelihood of involving in a similar type of offence. On a similar night, he has committed other two dacoities, and the crimes are registered regarding the same against the present applicant. He is a habitual offender, in view of that, the application deserves to be rejected.

6. Having heard learned counsel for the applicant and learned APP for the State, perused the investigation papers.

Admittedly, the FIR is lodged against an unknown person. During the investigation, the name of the present applicant was revealed and from him, one knife and one mobile phone were recovered, he was also identified during the Test Identification Parade. Thus, prima-facie involvement of the present applicant is revealed from the investigation papers, but the admitted fact is that, in the other two crimes, he is already released on bail, and he has not misused the liberty as there is no involvement appears to be in the subsequent period in any offences.

7. Moreover, now the investigation is already completed and charge-sheet is filed, further incarceration of the present applicant is not required. In view of that, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass the following order:

- a) The criminal application is **allowed**.
- b) The applicant- **Ritik @ Bhimte s/o Trigunath Muneshwar**, shall be released bail, in connection with Crime No. 169/2022, registered with Police Station Samudrapur, District Wardha, for the offence punishable under Section 394 read with Section 34 of the Indian Penal Code, 1860, on furnishing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the Police Station, Samudrapur District Wardha once in a month on

1st of every month between 10.00 a.m. to 01.00 p.m. and Police Officer of the concerned Police Station, shall record his presence.

- d) The applicant shall not leave the jurisdiction of Wardha District without prior permission of the court.
- c) The applicant shall not induce, threat or promise to any witnesses who are acquainted with the facts of the present case.

The criminal application is **dispose of**.

[URMILA JOSHI-PHALKE, J.]