



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

CRIMINAL APPLICATION (ABA) NO.740 OF 2023

Ganesh s/o Yamdas Sahare

Vs.

State of Maharashtra, Through Police Station Officer, Khaparkheda, District Nagpur

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

Court's or Judge's orders

Mr. Amol Hunge, Advocate h/f Mr. O. K. Masurke, Advocate for applicant.
Mr. A. R. Chutke, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 09/01/2024

1. Present applicant has preferred this application for grant of pre-arrest bail in connection with Crime No.544/2023 registered with Police Station Khaparkheda, District Nagpur for the offence punishable under Sections 147, 148, 307, 336, 337, 427 and 506 read with Section 149 of the Indian Penal Code and Sections 3, 4 and 25 of the Indian Arms Act.

2. The applicant is apprehending arrest at the hands of police as crime is registered on the basis of report lodged by Sudhir Rajju Ingle, who alleged that there is previous dispute between the present applicant and other co-accused and his family members. On 10.09.2023 the co-accused Dada Telange and Buddhu Telange visited his house and threatened him. On 11.09.2023 at about 1.00 p.m. when he was at his house, the co-accused Dada Telange, his brother and the present

applicant came at his house by holding weapons in their hands. The co-accused pointed the gun towards the informant and threatened to him that, he will fire a bullet towards Sneha, who is the family member of the informant and he has fired the bullet, but the bullet has not hit her and, therefore, all the accused persons abused them and also knocked the door by means of sword and sticks and also pelted stones towards his house. On the basis of said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the present applicant is concerned, though his presence was stated having sword in his hand, the said sword is already recovered and no overt act is attributed to him. General allegation is made against him that all the accused knocked the door by means of stones and sticks, therefore custodial interrogation of the present applicant is not required and he be protected by granting anticipatory bail.

4. Learned APP strongly opposed the application on the ground that though swords are recovered but one of the co-accused has fired the bullet towards the prosecution witness and the prosecution witnesses were under threat of their death continuously. Considering the circumstances under which the alleged incident has taken place, the application for anticipatory bail deserves to be rejected.

5. Having heard the learned counsel for the applicant and learned APP for the State. Perused the recitals of the FIR and investigation papers. As far as the role to the present applicant is concerned, no overt act is attributed to him. The sword which was assigned to the present applicant is already recovered. Thus, immediate custody 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 following order.

ORDER

(i) The application is allowed.

(ii) The applicant **Ganesh s/o Yamdas Sahare** be released on anticipatory bail in the event of his arrest, in connection with Crime No.544/2023 registered with Police Station Khaparkheda, District Nagpur for the offence punishable under Sections 147, 148, 307, 336, 337, 427 and 506 read with Section 149 of the Indian Penal Code and Sections 3, 4 and 25 of the Indian Arms Act, on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station once in a week on Sunday between 10.00 a.m. to 1.00 p.m. till further orders.

(iv) The applicant shall furnish his cell phone number and address with address proof before the Investigating Officer.

(4)

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

Thea application is disposed of.

(URMILA JOSHI-PHALKE, J.)