



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

CRIMINAL APPLICATION (BA) NO. 681 OF 2024

Naresh s/o Ashok Jaiswal

Vs.

The State of Maharashtra, Through Police Station Officer, Police Station,
Maregaon, District Yavatmal

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

Court's or Judge's orders

Mr. Atharva S. Manohar, Advocate for applicant.

Ms. Sneha Dhote, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 13/08/2024

1. The applicant came to be arrested on 08/06/2024, in connection with Crime No.198/2024 registered with Police Station, Maregaon, District Yavatmal for the offences punishable under Sections 323, 326, 342, 364-A, 395, 504, 506 of the Indian Penal Code, 1860.

2. The crime is registered on the basis of report lodged by the complainant, namely Salim Sultan Gilani, alleging that on 07/06/2024 when he was proceeding from Pandharkawada to Wani, at the relevant time one Scorpio Car overtook his vehicle, and intercepted the same. Some unknown persons get down from the said vehicle and snatched the cash amount of Rs.2,000/- and also asked him to transfer Rs.18,900/- from his PhonePe. It is further alleged that the present applicant abducted him and

brought him into the office and thereafter he was assaulted. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the involvement of the present applicant in the alleged offence is concerned, due to the money transaction between them. He pointed out from the statement of the bank of the present applicant which shows that from time to time some amount was transferred to the informant from his account. It reveals that on 04.06.2024 the amount of Rs.30,000/- was transferred in the account of the informant and thereafter, on 07.06.2024 the amount of Rs.18,900/- was transferred by the informant to the present applicant. Thus, it revealed from the said account extract that money transaction was there and the civil dispute was turned into a criminal offence. He submitted that as far as allegations are concerned only because the amount was demanded by the present applicant, he is falsely implicated in the alleged offence. Now, the investigation is already completed and charge-sheet is yet to be filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the said application on the ground that considering the nature of the offence that the informant was abducted and

assaulted by the present applicant. The injury certificate is on record. The identification parade was held wherein the applicant was identified. In view of that the application deserves to be rejected.

5. After hearing the learned Counsel for the applicant and learned APP for the State, perused the investigation papers. There is no dispute as to the fact that as far as the allegations are concerned which is substantiated by the injury certificate but all injuries are in the nature of blunt trauma and abrasion. If the allegation of the informant is taken into consideration, he alleged that he was assaulted by wooden log and iron rod but the injuries sustained by the informant not corroborate with the allegations made by the informant. As none of the injury is sustained by the informant by such type of weapons. Moreover, from the investigation papers, it reveals that there was a money transaction between the present applicant and the informant and out of that money transaction, this incident appears to be happened. Considering now, the investigation is practically completed though charge-sheet is not filed, further incarceration of the present applicant is not required.

6. Considering the circumstances under which the alleged incident as taken place, the present 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 following order:

ORDER

- (i) The application is allowed.
- (ii) The applicant **Naresh s/o Ashok Jaiswal** shall be released on bail in connection with Crime No.198/2024 registered with Police Station Maregaon, District Yavatmal for the offences punishable under Sections 323, 326, 342, 364-A, 395, 504, 506 of the Indian Penal Code, 1860, on executing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.
- iii) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.
- iv) The applicant shall attend the proceedings before the learned trial Court without seeking any exemption unless there are exceptional circumstances.

7. The criminal application stands **disposed of**.

(URMILA JOSHI-PHALKE, J.)