



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.904 OF 2024
(Samyak s/o Dhananjay Thorat Vs. 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

Ms PS. Kaware, Advocate for the applicant.
Ms S. Haider, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- OCTOBER 14, 2024.

The applicant came to be arrested on 10/08/2024 in connection with Crime No.690/2024, registered with Police Station Frezarpura, Amravati, District Amravati for the offence punishable under Sections 352, 351(2), 312, 311, 310(5) and 310(2) of the Baharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Ayanshah Wald Jakirshah on an allegation that on 09/08/2024 at about 8.30 PM he along with his friend were standing near the Blind School near Jail Quarter road, at the relevant time present applicant and other co-accused came on the motorcycle of the present applicant and the co-accused Sufiyan was holding sword and Shanu was holding the knife in their hand. Thereafter he as well as his friend was caught and he was assaulted. On the basis of said report, police have registered the crime against the present applicant and other co-accused.

3. Learned Counsel for the applicant submitted that as far as present applicant is concerned, no specific role is attributed to him except his presence, as no overt act is attributed to him. He is arrested on 10/08/2024. The investigation is practically completed though charge-sheet is not filed, his further incarceration is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that the applicant is of a criminal background, there are criminal antecedents against him. As far as the involvement of the present applicant in the present crime is concerned, she submitted that he along with the other co-accused came at the spot and thereafter other co-accused have assaulted the informant and his friend. Thus, the involvement of the present applicant in the unlawful assembly is revealed. Still one co-accused and one child in conflict with law are absconding. In view of that, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the investigation papers including the statements of the witnesses from which it reveals that except the presence of the present applicant no overt act is attributed to him. Thus, considering the same merely there are criminal antecedents is not sufficient to reject the bail application of the present applicant. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- (i) The application is allowed.
- (ii) The applicant – Samyak s/o Dhananjay Thorat in connection with Crime No.690/2024, registered with Police Station Frezarpura, Amravati, District Amravati for the offence punishable under Sections 352, 351(2), 312, 311, 310(5) and 310(2) of the Baharatiya Nyaya Sanhita, 2023, be released on bail on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend the concerned police station twice in a month i.e. 1st and 15th day of every month and shall cooperate with the investigating agency.
- (iv) The applicant shall attend the proceedings before the trial Court regularly without seeking any exemption unless there are exceptional circumstances.
- (v) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the present case.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)