



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

CRIMINAL APPLICATION (BA) NO.77 OF 2025

[Munesh S/o Tilakchand Nagpure ..Vs.. State of Maharashtra through
P. S. O., P. S. Ram Nagar, Gondia.]

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

Court's or Judge's order

Mr A. S. Manohar, Adv. with Mr N. R. Tekade, Advocate for Applicant.
Mr U. R. Phasate, APP for Non-Applicant/State.

CORAM : G. A. SANAP, J.

DATE : 20th FEBRUARY, 2025.

. Heard.

2. This is an application for bail by the accused No.9 in Crime No.120 of 2024 registered at Ram Nagar Police Station, District Gondia, for the offences punishable under Sections 143, 144, 147, 148, 149, 302 and 120-B of the Indian Penal Code, 1860 and Sections 3/25, 5/25 and 27 of the Indian Arms Act, 1959 and Section 37(1) read with Section 135 of the Maharashtra Police Act, 1951.

3. The learned Advocate for applicant/accused No.9 would submit that considering the role attributed to the applicant by the prosecution in the charge-sheet as well as in the reply, his further incarceration is not necessary. He has not been named in the First Information Report. The learned Advocate would submit that the eye witnesses have not stated that the accused No.9 was present on the spot of incident. The learned Advocate submitted that the accused No.8 attributed

with some what similar role has been granted bail by the Trial Court. The learned Advocate would submit that the prosecution would be required to lead legally admissible evidence to prove the complicity of accused No.9 in the commission of crime as well as in the conspiracy. The learned Advocate would submit that the charge-sheet has been filed. The trial may take its own time for completion. It is submitted that his further detention is not necessary for custodial interrogation. Learned Advocate submits that the applicant shall not enter the territorial limit of Gondia Municipal Council till the completion of the trial. The learned Advocate submitted that the applicant is ready to abide by the conditions that may be imposed by the Court.

4. Learned Additional Public Prosecutor for non-applicant/State would submit that the applicant/accused No.9 was a part of the conspiracy. He provided the location of the deceased to the assailants. The role played by accused No.9, in the submission of learned APP, is very important. Learned APP took me through the statement of one witness and pointed out that a quarrel had taken place between accused No.9 and the deceased two days prior to the occurrence of the incident. It is submitted that this accused has criminal antecedents. Learned APP would submit that if the accused No.9 is released on bail, then he would tamper with the prosecution evidence and threaten the prosecution witnesses. It is submitted that if the Court is

inclined to grant the bail, then he shall be directed not to enter Gondia Municipal Council limits, as well as he shall attend Ram Nagar Police Station, District Gondia once a month.

5. I have gone through the record and proceedings as well as the impugned order dated 10.12.2024. It is not the case of prosecution that the applicant/accused No.9 participated in the actual assault. According to the prosecution, the investigation revealed his involvement in the conspiracy. He kept a watch on the movements of the deceased on the date of incident and provided his location to the assailants. The similar role has been attributed to the accused No.8. Perusal of the charge-sheet would show that the accused No.9 had no personal enmity with the deceased. As such, he had no motive to commit the crime. There was enmity between the main assailants and the deceased. The investigation is complete. Charge-sheet has been filed.

6. In my view considering the role attributed to the applicant, it may not be proper to reject his application. The trial may take its own time for completion. In the backdrop of the role attributed to the applicant, his further incarceration may not be necessary as well as warranted.

7. Learned APP submitted that the applicant has criminal antecedents. The chart of three crimes registered against him has been placed on record. In my view his

criminal antecedents needs consideration keeping in mind the role attributed to the applicant in this crime. The criminal antecedents cannot be considered de hors the role attributed to him.

8. In the facts and circumstances, I am of the opinion that this is a fit case to exercise the discretion in favour of the applicant. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions. Hence, the following order.

- i) Criminal application is allowed.
- ii) Applicant – Munesh S/o. Tilakchand Nagpure be released on bail in Crime No.120 of 2024 registered at Ram Nagar Police Station, District Gondia, for the offences punishable under Sections 143, 144, 147, 148, 149, 302 and 120-B of the Indian Penal Code, 1860 and Sections 3/25, 5/25 and 27 of the Indian Arms Act, 1959 and Section 37(1) read with Section 135 of the Maharashtra Police Act, 1951, on his furnishing P.R. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety in the like amount.
- iii) The applicant shall not enter the territorial limit of Gondia Municipal Council till the completion of trial except for attending Ram Nagar Police Station once in a month and Court on the date of hearing.

iv) The applicant shall attend Ram Nagar Police Station on 1st date of every month till the completion of trial between 11:00 a.m. and 03:00 p.m.

v) The applicant shall not directly or indirectly make any inducement or promise to any witness in any manner.

vi) The applicant shall not tamper with the prosecution evidence.

vii) The applicant shall not pressurize or threaten the prosecution witnesses.

viii) The applicant shall extend fullest cooperation to the trial Court while conducting the trial.

9. The criminal application stands disposed of accordingly.

JUDGE

Tambe.