



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

CRIMINAL APPLICATION (BA) NO.233 OF 2025
(Abhishek s/o Arvind Gondane 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

Mr. A.C. Jaltare, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 20, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 31/08/2024 in connection with Crime No.514/2024 registered with Police Station Kanhan, District Nagpur for the offences punishable under Sections 3(5), 309(4), 310(1), 324(4) (5), 351(1)(2) of the Bharatiya Nyaya Sanhita, 2023 and 4/25 of the Arms Act, 1959.

2. The crime is registered on an allegation that he along with the other co-accused entered into the bar and restaurant owned by the informant and some of the accused have assaulted the informant by means of knife, snatched the amount of Rs.1000/- and also caused the loss to the articles of the bar to the tune of Rs.15276/-. They were committed an offence as alleged.

3. Learned Counsel for the applicant invited my attention towards the CCTV footage panchnama and submitted that the CCTV footage panchnama shows that the present applicant subsequently came in the bar and thrown articles towards the informant and also caused the

loss to the articles of the bar. Except these allegations there is nothing incriminating is collected during the investigation. As far as the criminal antecedents are concerned only one case is registered against him i.e. also in the year 2018. Now, investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the application and submitted that in furtherance of the common object, the present applicant along with the other co-accused not only caused the loss to the informant but also informant is assaulted by the co-accused. There are criminal antecedents against him. Considering all these aspects, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers from which it reveals that the entire case is rested on the CCTV footage which shows that the present applicant entered in the bar at about 9.00 PM and thrown some articles towards the informant and also caused the loss to the articles of the bar. He is also identified during the identification parade which is conducted. Except these materials, there is nothing on record to show that either he has assaulted the informant or caused any harm to the informant. Now, the investigation is completed and charge-sheet is filed. Considering the limited role of the present applicant, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

- (i) The application is allowed.
 - (ii) The applicant - Abhishek s/o Arvind Gondane in connection with Crime No.514/2024 registered with Police Station Kanhan, District Nagpur for the offences punishable under Sections 3(5), 309(4), 310(1), 324(4)(5), 351(1)(2) of the Bharatiya Nyaya Sanhita, 2023 and 4/25 of the Arms Act, 1959, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
 - (iii) The applicant shall not indulge himself in similar type of the activities.
 - (iv) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
 - (v) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
6. The prosecution is at liberty to move to the Court for cancellation of bail if the involvement of the present applicant is revealed in any other crime.
7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)