



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

CRIMINAL APPLICATION (BA) NO.232 OF 2025

(Akash s/o Raju Gwalvanshi 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. U.P. Dable, Advocate for the applicant.
Mrs. M.A. Barabde, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 18, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 01/10/2024 in connection with Crime No.700/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 140(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by the informant Ajay Motiram Waghmare who is the Businessman and owner of a private company which deals in real estate and it's development. On 29/09/2024, a meeting was organised for the new customers at Queens Celebration Lawn. The complainant along with his associates were present there. At the relevant time, one co-accused came in a police uniform and knocked the door of the car and thereafter present applicant and other co-accused kidnapped him and also demanded the amount of Rs.15,00,000/- from him. On the basis of the said report,

police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that now investigation is completed and charge-sheet is filed. As far as the alleged incident is concerned, except the statement of the complainant there is no material to connect the present applicant with the alleged offence. He submitted that as per the allegation when the said meeting was arranged at Queens Celebration Lawn at that time he was alleged to have kidnapped by the present applicant and the other co-accused. However, there is no independent witness came forward to substantiate the said allegations. He submitted that even the complainant has not turned up for the identification parade. Considering, now the investigation is completed and charge-sheet is filed, further incarceration of the present applicant is not required.

4. Learned APP strongly opposed the application and submitted that the applicant was involved in kidnapping of the informant not only that but there is an allegation of demanding the extortion amount. If applicant is released on bail he would again indulge in similar type of the activities. In view of that, 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 alleged incident according to the complainant has taken place when he had been to attend the meeting. Admittedly, except the statement of the present applicant there is no other material collected during the investigation. Moreover, the complainant has not turned up for the test identification parade also though he was repeatedly called on three occasions. Thus, considering the entire material which is collected during the investigation and considering the fact that now investigation is completed and charge-sheet is filed, further incarceration of the applicant is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

(i) The application is allowed.

(ii) The applicant - Akash s/o Raju Gwalvanshi in connection with Crime No.700/2024 registered with Police Station Hudkeshwar, Nagpur, District Nagpur for the offences punishable under Sections 140(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, 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 attend the concerned police station once in a month i.e.

1st day of every month and the Police Officer shall record his presence.

(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 Sessions Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicant shall furnish his cell phone number, detailed address with address proof and the names of his two relatives with their address and address proof, before the investigating agency.

6. The contravention of any of the condition imposed by this Court would lead to the cancellation of bail.

7. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)