

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

CRIMINAL APPLICATION (ABA) NO. 836/2025

Sanjay s/o Shankar Laware Vs. State of Maharashtra thr. PSO PS Ner Dist. Yavatmal

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

Court's or Judge's orders

Mr. P.R. Agrawal, Advocate for the Applicant.

Mr. A. Kadukar, A.P.P. for the Non-applicant(s)/State.

CORAM : MRS.VRUSHALI V. JOSHI,J.

DATED : 12/12/2025.

. Heard.

2. The applicant is apprehending his arrest in Crime No.77/2015 registered with Police Station Ner District Yavatmal for the offences punishable under Sections 147, 148, 149 and 307 of the Indian Penal Code, 1860.

3. It is the case of prosecution that the applicant alongwith other co-accused who are family members of this applicant assaulted the complainant and his family members. They went to the house of the complainant with deadly weapons like sword, sabbal and other weapons. The applicant was having iron rod. The offence under Section 307 of the IPC is registered against all of them. The crime is registered in the year 2015 since then the applicant was not taken in custody. His application before the trial Court was rejected in the year 2015.

4. Counsel for the applicant has stated that now the investigation is completed. Charge-sheet is filed. Since

2015 after the rejection of the bail application, the applicant has not filed any application but he was residing on the address given in the application. The Investigating Officer has neither issued any notice nor arrested him and after completing the investigation has filed the charge-sheet. On 19.08.2025 the Sessions Court has issued N.B.W. against this applicant and thereafter the applicant again filed the application for grant of anticipatory bail as the NBW was issued against him. Counsel for the applicant has relied on the judgment of Madhya Pradesh High Court in the case of *Deepankar Vishwas vs. State of Madhya Pradesh* reported in *2025 ILR MP 1477*.

5. Learned APP opposed the application stating that the applicant was absconding since 2015. He has not surrendered himself even after filing of the charge-sheet. The role played by this applicant is that he was having iron rod. For recovery of said iron rod, his custodial interrogation is necessary. Hence prayed to reject the application.

6. Heard both sides and perused the record.

7. It appears from the record that since 2015 the applicant has not surrendered and even the police machinery has not arrested the applicant though he was available in the said vicinity. It is the laps on the part of the investigating machinery. After filing of the charge-sheet it appears that the proclamation was not issued against this applicant. On the contrary the charge-sheet is filed against

this applicant and as he was not present before the Court the Sessions Court has issued NBW and thereafter as the applicant was not taken in custody for investigation, the applicant has filed this application for grant of anticipatory bail. The investigation is completed and charge-sheet is filed, the trial against this applicant even without taking him in custody is initiated. It is not separated as the charge-sheet is filed. Without taking into consideration whether custody of this applicant is required, the charge-sheet is filed against the applicant. The custodial interrogation of this applicant is not required. The case is made out to protect the applicant by granting ad-interim anticipatory bail. Accordingly, I pass following order:

- i] By way of *ad-interim* protection it is directed that in the event of arrest of the applicant in connection with Crime No.77/2015 registered with Police Station, Ner District Yavatmal for the offences punishable under Sections 147, 148, 149 and 307 of the IPC be released on bail on furnishing P.R. Bond in the sum of Rupees Fifteen Thousand with one solvent surety in the like amount.
- ii] The applicant shall not in any way tamper with the prosecution evidence.
- iii] The applicant shall not pressurize or threaten the prosecution witnesses.
- iv] The applicant shall attend the concerned

police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

v] The applicant shall co-operate the Investigating Officer.

vi] The applicant shall attend the Sessions Court regularly.

(MRS. VRUSHALI V. JOSHI, J.)

manisha