



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

Criminal Application (BA) No. 1186 of 2024

Vishalsing Ramsing Thakur (Rajput) and another

Versus

The State of Maharashtra through Police Station Officer, Police Amdapur,
District Buldhana

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.R.Agrawal, Advocate for the applicants.

Shri N.R.Rode, APP for the non-applicant/State.

CORAM : G.A.SANAP, J.

DATED : 6th JANUARY, 2025.

The applicants, who have been arrayed as accused nos. 1 and 2 in a crime bearing No. 384 of 2024, registered at Amdapur Police Station, District Buldhana for the offence punishable under Sections 310(2), 115(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, have applied for regular bail.

2. Learned advocate for the applicants submitted that they have been falsely implicated in this case. There is a matrimonial dispute between the informant and accused no.4. The informant apprehends

that applicant nos. 1 and 2 are supporting her husband and therefore, their names have been mentioned in the report. On the date of the incident, accused no.1 had lodged the report against the son of the informant. In the said report, it was stated that the son of the informant came to his tyre puncture repair shop and demanded the mobile phone of his father. He did not return back the mobile and therefore, son of the informant beat him. Learned advocate submitted that the applicants have been remanded to Magisterial Custody. There is no recovery of any gold chain at the instance of applicant nos.1 and 2 or at the instance of other accused. The accused had made an application for bail before the learned Sessions Judge at Buldhana. Their application was rejected. Learned advocate submitted that the applicants are ready to abide by the conditions that may be imposed by this Court.

3. Learned Additional Public Prosecutor submitted that the investigation is in progress. One unknown accused is yet to be arrested. The accused committed robbery of one gold chain of the son of the informant. They beat the informant and her son. The crime is serious. The possibility of tampering the prosecution evidence cannot be ruled out, if they are released on bail.

4. I have gone through the record and proceedings. I have perused the order passed by the learned Additional Sessions Judge, Buldhana. Learned Additional Sessions Judge rejected the bail application on the ground that the gold chain is yet to be recovered and the investigation is at nascent stage. It is undisputed that accused no.4 is the husband of the informant. A matrimonial dispute is pending between the informant and accused no.4 in the Court at Chikhli. Accused nos. 1 and 2 are in no way concerned with the matrimonial dispute between the informant and accused no. 4. They seem to be the friends of accused no.4. An allegation has been made against them that when the son of the informant went to accused no.1 for taking back the mobile phone of his father, quarrel ensued between the accused no.1 and the son. It is stated that accused no.2 also joined in the said quarrel. Accused nos. 1 and 2 mercilessly beat the son of the informant and later on, the informant. It is alleged that the accused committed robbery of one gold chain of the son of the informant.

5. Accused nos. 1 to 4 were remanded in police custody for two days. Admittedly, the gold chain has not been recovered. Learned advocate for the applicants submitted that the allegation of robbery/snatching of the gold chain is false. It is apparent that accused nos. 1 to 4

have been remanded to the magisterial custody. Their custodial interrogation is over. Their detention is, therefore, not necessary for any custodial interrogation.

6. Accused no.5, who is unknown, has not yet been arrested. In my view on that ground the bail application of the applicants could not be rejected. The fact remains that till date recovery of the gold chain has not been effected. Admittedly, the informant and her husband/accused no.4 are residing separately. The dispute is pending between them in the Court of the Magistrate, Chikhli.

7. In my view, considering all the above stated facts, further detention or incarceration of applicant nos. 1 and 2 is not necessary. 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 no. 1 - Vishalsing Ramsing Thakur (Rajput) and applicant no.2 - Sumirsing Ramsing Thakur (Rajput) be released on bail in Crime No. 384 of 2024 registered at Amdapur Police Station, District Buldhana for the offence punishable under Sections 310(2), 115(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, on their furnishing P.R.Bond in the sum

of Rs.20,000/- (Rupees Twenty Thousand only) each with one surety in the like amount.

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

iv) The applicants shall not tamper with the prosecution evidence.

v) The applicants shall not pressurize or threaten the prosecution witnesses.

vi) The applicants shall attend Police Station, Amdapur, District Buldhana till filing of the charge-sheet on every Sunday between 5:00 p.m. and 8:00 p.m.

8. The Criminal Application stands disposed of accordingly.

[G.A.SANAP, J.]