



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

CRIMINAL APPLICATION (BA) NO. 1237 OF 2024

Prajwal Ganeshrao Katgade

.Vs.

The State of Maharashtra thr. PSO, PS Frezarpura, Amravati Dist. Amravati

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr P.V. Navlani, Advocate for the applicant
Ms Mrunal Barbade, APP for State

CORAM : G.A. SANAP, J.

DATE : 12.02.2025

Heard.

2. By this application, the applicant/accused No.5 has prayed for regular bail in Crime bearing No. 971/2024 registered at Frejarpura Police Station, District Amravati for the offences punishable under Sections 61(1), 140(2), 140(3), 308(2), 308(3), 308(5), 118(1), 115(2), 351(3) of the Bharatiya Nyaya Sanhita read with Section 4 punishable with Section 25 of the Arms Act, 1959 and under Section 135 of the Maharashtra Police Act.

3. Learned Advocate for the applicant would submit that no specific role in the entire incident has been

attributed to the applicant. He took me through the first information report and pointed out that the only statement made in the first information report is with regard to his presence in the Bolero vehicle and that too on the back seat. Learned Advocate would submit that the main role has been attributed to the remaining four accused. Out of the remaining accused, two accused have been arrested. Learned Advocate would submit that on the very first date of his production before the Magistrate, he was remanded to judicial custody. Learned Advocate would submit that considering the role attributed to him in the first information report, his further detention is not necessary. Similarly, his further detention is not necessary for custodial interrogation. Learned Advocate would submit that the applicant is ready to abide by the conditions that may be imposed by the Court.

4. Learned APP would submit that the presence of applicant/accused No.5 in the Bolero vehicle has been categorically stated. It is submitted that all the accused had come there with an intention to commit the crime. According to the learned APP the crime committed by the accused persons is serious. The remaining three accused are yet to be arrested. If the applicant is granted bail, then

the possibility of tampering with the prosecution evidence cannot be ruled out.

5. I have perused the first information report and other record. I have gone through the affidavit filed by the Investigating Officer. No specific role has been attributed to this applicant/accused in the entire incident. The investigation so far conducted revealed that he was present in the Bolero vehicle and that too sitting on the back seat. Perusal of the first information report would show that a specific role has been attributed to remaining four accused persons. The investigation is in progress. This accused was arrested on 17.11.2024. There no explanation for the delay on the part of the Investigating Officer for not arresting the remaining accused. It needs to be mentioned that when this Court questioned the Prosecutor about this fact, the Prosecutor submitted that till date only two accused have been arrested. As far as this accused/applicant is concerned, his further detention is neither necessary nor warranted. Even police did not ask for his police custody. As far as the apprehension put forth by the learned APP is concerned, the same can be taken care of by imposing appropriate conditions. In the facts and circumstances, I am of the opinion that this is a fit

case to exercise the discretion in favour of the accused.
Accordingly, I pass the following order:

- i) Criminal application is allowed.
- ii) Applicant- **Prajwal s/o Ganeshrao Katgade** be released on bail in Crime No.971/2024, registered with Police Station Frejarpura, District: Amaravati City for the offences punishable under Sections 61(1), 140(2), 140(3), 308(2), 308(3), 308(5), 118(1), 115(2), 351(3) of the Bharatiya Nyaya Sanhita read with Section 4 punishable with Section 25 of the Arms Act and under Section 135 of the Maharashtra Police Act, 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 in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall co-operate the investigating officer.

vi] The applicant shall attend the concerned Police Station every Saturday between 7.00 p.m. and 9.00 p.m. till filing of the charge-sheet.

6. The Criminal Application stands **disposed of** accordingly.

(G. A. SANAP, J.)

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