



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

CRIMINAL APPLICATION (BA) NO.1239 OF 2024

(Ritesh s/o Naresh Borkar 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. P.V. Navlani, Advocate for the applicant.

Mr. D.V. Chauhan, Public Prosecutor (Sr. Advocate) a/b Mr. N.B.
Jawade, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.

DATED :- MARCH 28, 2025.

By this application, the applicant is seeking bail as he came to be arrested on 14/05/2024 in connection with Crime No.465/2024 registered with Police Station Gadge Nagar, Amravati, District Amravati for the offences punishable under Sections 307, 143, 144, 147, 148 read with Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951.

2. Learned Counsel for the applicant submitted that the crime is registered on the basis of report lodged by the injured who disclosed that on the day of the incident, in the evening he along with his friends had been to have a meal at that time 4 to 5 boys entered in the said premises and assaulted him, due to which he has sustained the injuries. One of the person has given a blow of knife on his chest and on the vital part of the body. On the basis of the said report, police have registered the crime against the unknown person. During investigation, the Investigating Officer has recorded the various statements of the witnesses as well as collected the CCTV

footage from which it reveals that the present applicant was present at the spot of incident.

3. Learned Counsel for the applicant submitted that though CCTV footage shows the presence of the present applicant at the spot of incident but there is no overt act attributed to him. Even the CCTV footage only shows his presence and it nowhere shows that he has either participated in the assault or played any overt act. Now, the investigation is completed, further incarceration of the applicant is not required.

4. Learned Public Prosecutor strongly opposed the application and submitted that in furtherance of the common object, the deceased was assaulted. The injuries sustained by the deceased are grievous in nature. Now, the charges are already framed, and therefore, the application deserves to be rejected.

5. I have heard learned Counsel for both the sides. Perused the investigation papers, admittedly, the CCTV footage panchnama nowhere shows any overt act played by the present applicant. Admittedly, his presence is there but considering no overt act is attributed to him. 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 - Ritesh s/o Naresh Borkar in connection with Crime No.465/2024 registered with Police Station Gadge Nagar, Amravati, District Amravati for

the offences punishable under Sections 307, 143, 144, 147, 148 read with Section 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951, be released on bail, on executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Pimpalgaon Nipani, Taluka Nandgaon Khandeshwar, District Amravati till culmination of trial.

(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 not leave the jurisdiction of the Amravati district without prior permission of the District Court, Amravati.

(vi) The applicant shall attend the proceedings regularly before the Sessions Court without seeking any exemption unless there are exceptional circumstances and shall cooperate with the Court to dispose of the trial

6. The application stands disposed of.

(URMILA JOSHI-PHALKE, J.)