



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

CRIMINAL APPLICATION (BA) NO. 1117 OF 2024

SHREYANSH S/O SURYANARAYAN TRIPATHI

Vrs.

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

Shri P. R. Agrawal, Advocate for applicant.
Ms. H. N. Prabhu, A. P. P. for Non-applicant-State.

CORAM: URMILA JOSHI-PHALKE, J.
DATE : 07/03/2025.

1. The applicant came to be arrested on 11/03/2024 in connection with Crime No.83/2024 registered under Section 307 r/w Section 34 of the Indian Penal Code, 1860 and under Sections 25(3) and 27 of the Arms Act, 1959.

2. Heard learned counsel for the applicant who submitted that a crime is registered on the basis of the report lodged by the informant on an allegation that on 10/03/2024 when he was proceeding along with some passengers from Amravati to Nagpur, at the relevant time, it revealed to him that one Bolero car is chasing his vehicle and thereafter, he was restrained and one bullet was fired from the revolver, due to which he sustained injuries. Thereafter, all the passengers were also threatened by the persons who were travelling in the said

Bolero. On the basis of said report, police have registered an offence against the unknown persons. During investigation, the involvement of the present applicant revealed and therefore, he was arrested in the said crime.

3. Learned counsel for the applicant submitted that except his presence in one Bar, which is observed in the CCTV Footage, which is obtained from Kiran Bar. There is absolutely no material to connect the present applicant with the alleged offence, due to the political rivalry, various offences were registered against the present applicant. He submitted that applicant was also not identified during Identification Parade. Thus, there is no material as to the identification of the present applicant. Now, investigation is completed. Charge sheet is filed. Further incarceration of the applicant is not required.

4. Learned APP strongly opposes the said application and submitted that at Toll Plaza, one Bolero vehicle was observed in CCTV footage and subsequently, the presence of the present applicant further revealed from the CCTV footage at Kiran Bar. Thus, considering the evidence of record, the involvement of the present applicant is revealed. Therefore, the application deserves to be rejected.

5. On perusal of the entire investigation papers, it reveals that except CCTV footage at Kiran Bar which is showing the presence of the present applicant while considering the regor that there is absolutely no material to connect the present applicant with the alleged offence. In the light of the said material that only one circumstance for which the prosecution relied upon is not sufficient to incarcerate the present applicant. Now, the investigation is also completed and the charge sheet is also filed. The mere criminal antecedents are also not sufficient to detain the present applicant behind the bar. In view of that, present application deserves to be allowed :-

ORDER

- i] The application is allowed.
- ii] The applicant–**Shreyansh Suryanarayan Tripathi** be released on bail in connection with Crime No.83/2024 registered under Section 307 r/w Section 34 of the Indian Penal Code, 1860 and under Sections 25(3) and 27 of the Arms Act, 1959, on executing P.R. Bond of Rs.25,000/- with one solvent surety of the like amount.
- iii] The applicant shall attend the concerned police station twice in a month i.e. on 1st and 10th day of every month and the Police Station Officer shall record his presence.

iv] The applicant shall furnish the local surety for the satisfaction of the concerned Court.

v] The applicant shall furnish on record his address along with address proof and the names of his relatives along with address proof.

vi] The applicant shall attend the proceedings before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

6. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

Choulwar