



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

CRIMINAL APPLICATION [BA] NO. 1188 OF 2024

SATISH S/o RAOSAHEB WANKHEDE

VERSUS

STATE OF MAH., THRU. P.S.O, P.S., MAHULI, AMRAVATI RURAL, DIST. AMRAVATI

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

Court's or Judge's Order

Mr. Mahesh Rai, Advocate for the applicant.
Mr. A. M. Ghogare, A. P. P. for the non-applicant /State.

CORAM : G. A. SANAP, J.

DATE : JANUARY 22, 2025.

1. Heard Mr. Mahesh Rai, learned advocate for the applicant and Mr. A. M. Ghogare, learned Additional Public Prosecutor for the non-applicant /State.

2. The applicant has made this application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023 for bail in Crime No. 172/2024, registered with Police Station, Mahuli, Amravati (Rural), Dist. Amravati for the offences punishable under Sections 333, 115, 74, 75(1)(ii) of the Bhartiya Nyaya Sanhita, 2023.

3. Learned advocate for the applicant would submit that the report lodged against the applicant is false. There was a money transaction between the parties. The occurrence of the incident at the given time is unbelievable. Learned advocate would further submit that the applicant/accused has been remanded to the judicial custody. His detention is

not necessary for custodial interrogation. The investigation is over and charge-sheet has been filed. Learned advocate would further submit that the offences are triable by the Judicial Magistrate, First Class. Learned advocate further submits that the applicant/accused is ready to abide by the conditions that may be imposed by the Court.

4. Learned Additional Public Prosecutor would submit that the informant and the accused are residing in the same locality. The crime committed by the accused is serious. The charge-sheet has been filed. If the applicant/accused is released on bail, then the possibility of tampering with the prosecution evidence, cannot be ruled out.

5. I have gone through the record and proceedings. Undisputedly, all the offences are triable by the Judicial Magistrate, First Class. As far as merits of the matter are concerned, the same cannot be gone into at this stage. The accused was arrested on 27.10.2024. It is evident that there was no delay in lodging the report. It is the case of the accused that there was a dispute between them on account of money transaction. The Court has to bear in mind the nature of the crime, the stage of investigation and the possibility of tampering with the prosecution evidence, if any, while deciding the bail application.

6. It is submitted by the learned APP that now the

charge-sheet has been filed. Learned advocate for the applicant would submit that adjudication of the case may take its own time and as such considering the nature of the offences and the maximum punishment provided for the same, it would be just and proper to release him on bail. Learned Additional Sessions Judge rejected the bail application of the applicant on the ground that the investigation was in progress and pending investigation, release of the accused on bail would not be in the interest of the prosecution.

7. In my opinion, the facts and circumstances of this case do not justify further incarceration of the applicant in jail. The apprehension put forth by the learned APP can be appropriately redressed by imposing appropriate conditions.

8. Accordingly, the criminal application is allowed.

i] Applicant - Satish Raosaheb Wankhade be released on bail in crime No. 172/2024, registered with Police Station, Mahuli, Amravati Gramin, Dist. Amravati, for the offences punishable under Section 333, 115, 74, 75(1)(ii) of the Bhartiya Nyaya Sanhita, 2023, on his furnishing PR bond in the sum of Rs.25,000/- with one 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 in any manner.

iv] The applicant shall cooperate the investigating officer.

9. The application stands disposed of in the aforesaid terms.

(G. A. SANAP,J.)

Diwale