



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

CRIMINAL APPLICATION (ABA) NO. 863 OF 2024

Suraj Ramesh Gunjalkar

Vs.

State of Maharashtra, through PSO, P.S. Mangrulpir, Dist. Washim

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Mr. A.M. Haque, Advocate for the Applicant.

Ms. M.A. Barabde, APP for the Non-applicant/State.

Mr. S.H. Nagrale, Advocate to assist the prosecution.

CORAM : G. A. SANAP, J.

DATED : 20th JANUARY, 2025.

1. Heard the learned advocates for the parties.

2. The applicant, who is accused No.2 in Crime No.741/2024, registered with Police Station Mangrulpir, Tq. Mangrulpir, Dist. Washim, has made this application for pre-arrest bail. The crime has been registered for the offences punishable under Sections 109, 296, 3(5), 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023.

3. Learned advocate for the applicant submits that the remaining three accused were arrested, and they have been released on bail. The applicant is ready to co-operate the Investigating Officer. His arrest is not necessary. Learned advocate submits that, considering the role attributed to the accused, at the most, stick would be required to be recovered from him. He is ready to produce the stick. Learned advocate further submits that, on the report of the sister of the applicant, a crime has been registered against the informant and others.

Learned advocate further submits that the applicant is from a reputed family.

4. Learned APP and learned advocate for the informant submit that the applicant has avoided his arrest. His arrest is necessary for the completion of the investigation. His custodial interrogation would be necessary. The role attributed to the applicant is serious. It is further submitted that if he 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. It has been stated in the report that all the accused, in furtherance of their common intention, assaulted the informant and her father. Accused No.2, as per the informant, assaulted her and her father with stick. Perusal of the FIR would show that there are two incidents. The first incident occurred in the village. In the said incident, all four accused were involved. The second incident occurred on the road while the informant and her brother were proceeding to the police station. In the said incident, a specific role has been attributed to accused No.3 - Pankaj @ Bablu Gunjalkar. Accused No.3 - Pankaj @ Bablu Gunjalkar, who has been released on bail, mounted the assault on the informant and her brother with sickle. The investigation has been conducted. The investigation is incomplete as far as the applicant/accused No.2 is concerned. The remaining accused have been released on regular bail. Their application for anticipatory bail was rejected. The record shows that the sickle, iron rod, and stick have been recovered. The informant and her father, who had been admitted in the hospital, have now been

discharged. It is evident that the informant had sustained serious injuries.

6. As far as the merits of the matter are concerned, the same cannot be gone into at this stage. The prayer for pre-arrest bail has to be considered keeping in mind the role attributed to the accused, the stage of the investigation, and the nature of the crime. The investigation vis-a-vis the applicant/accused will have to be conducted. The investigation is, as such, incomplete. It is submitted that, for the purpose of recovery of the stick, the arrest of the applicant/accused may be necessary. Learned advocate for the applicant/accused submits that the applicant/accused is ready to co-operate the Investigating Officer and produce the stick. Learned advocate submits that, for this purpose, the applicant/accused shall be deemed to be in police custody.

7. In my opinion, considering the facts and circumstances and the role attributed to the applicant/accused No.2, the protection from arrest to him may not hamper the overall investigation. The major part of the investigation is complete. The apprehension put-forth can be taken care of by imposing appropriate conditions. Hence, the following order:

ORDER

i] The application is **allowed**.

ii] In the event of arrest of the applicant/accused No.2 – Suraj Ramesh Gunjalkar, in connection with Crime No.741/2024, registered with Police Station Mangrulpir, Tq. Mangrulpir, Dist. Washim, for the offences punishable under

Sections 109, 296, 3(5), 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023, he be released on bail on his furnishing P.R. bond in the sum of Rs.15,000/- (Rs. Fifteen Thousand) 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 attend Police Station Mangrulpir, Tq. Mangrulpir, Dist. Washim, every Saturday between 7:00 p.m. and 9:00 p.m., till filing of the charge-sheet.

vi] It is made clear that for the purpose of recovery of the weapon used in the crime, the applicant shall be deemed to be in police custody.

vii] The application stands disposed of in the above terms.

(G. A. SANAP, J.)

Vijay