



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

CRIMINAL APPLICATION (BA) NO. 889 OF 2025

(Suraj S/o Santosh Gupta

Vs.

State of Maharashtra, Thr. Ballarshah Police Station, Ballarshah, District
Chandrapur.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.P. Joshi, Advocate for the Applicant.
Ms. Sneha Dhote, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 20th AUGUST, 2025

1. The present Application is preferred by the Applicant for grant of bail in connection with Crime No. 682/2024 registered with Police Station Ballarshah, District Chandrapur for the offence punishable under Sections 109, 118, 326(g), 61(2), 249 & 238 of the Bhartiya Nyaya Sanhita, 2023 and Section 3(a) of the Explosives Substances Act, 1908.

2. The crime is registered on the basis of the report lodged by the Informant Abhishek Malu on 07.07.2024 that he runs a cloth shop in Ballarshah. He opened his shop on the day of incident at around 10.30 a.m. in the morning and his workers Karthik Sakharkar and Mahindra Khobragade were working in the shop. He was sitting on the counter of the shop at around 10.24 a.m. One person entered in the shop and

attacked his worker Karthik Sakharkar He saw the incident and tried to elope from the said place of incident and went upstairs of the shop. At that time, the another accused threw some explosive substance on him. The explosive fell on the table in the shop and it exploded. The Informant went upstairs and hide to save himself. The employee namely Karthik was injured in the said incident. On the basis of the said report Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant who submitted that merely on the suspicion the present Applicant is arraigned as an accused. He submitted that initially there was a love affair between the Applicant and the sister of the complainant namely Archana Brijgopal Malu. In December 2022 the sister of the Complainant refused to marry with the Applicant and it was alleged that the present Applicant has gifted 50 Tolas of gold and Rs. 10 Lakhs to the sister of the Complainant. Out of which Rs. 6 Lakhs were returned back. The Applicant gave a complaint before the Ballarshah Police Station as regards to cheating and other offences against Archana and her mother. He submitted that initially also one crime was registered against the present Applicant merely on suspicion. As the investigation shows that the said shop was burnt due to the short circuit but by taking disadvantage of the said incident the attempt was made to implicate the present Applicant in the false crime. Again the second attempt was made to implicate the present Applicant in the crime. As far as the investigation in present crime is concerned, which is completed. Initially, the Applicant has filed the bail

application but the same was simply withdrawn and it was not heard on merits.

4. He invited my attention towards the investigation papers and submitted that except the statement of the co-accused a suspicion was raised against the present Applicant and nothing is on record to show his involvement in the alleged offence. Since the date of arrest i.e. from 03.08.2024 the Applicant is behind bars, investigation is already completed and the trial will take its own time for its final disposal. In view of that, the Application deserves to be allowed.

5. Learned APP, strongly opposed for the same and submitted that as the Application itself is not maintainable as initially Application was withdrawn and there is no change in circumstance. She further invited my attention towards the investigation papers and submitted that the statement of the employee shows that the present Applicant has uttered in his presence that he would set the said shop on fire and that statement is sufficiently to show the involvement of the present Applicant in the alleged offence. In view of that, the Application deserves to be rejected.

6. On hearing both the sides and on perusal of the entire investigation papers, admittedly the involvement of the present Applicant reveals on the basis of the statement of the co-accused. Thereafter the statements of the employees of the Complainant were recorded. Their evidence is only to the extent that once the present Applicant has threatened the

Complainant that he will set the shop on fire. As far as the presence of the present Applicant at the spot of incident is concerned, which is not witnessed by any of the witnesses. The CCTV footage also nowhere shows that there was presence of the present Applicant at the time of incident. Admittedly, now investigation is completed and charge-sheet is already filed and the trial will take its own time for its final disposal, the Applicant cannot be kept behind bars for indefinite period. In view of that the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
- ii. The Applicant – Suraj S/o Santosh Gupta in connection with Crime No.682/2024 registered with Police Station Ballarshah, District Chandrapur for the offence punishable under Sections 109, 118, 326(g), 61(2), 249 & 238 of the Bhartiya Nyaya Sanhita, 2023 and Section 3(a) of the Explosives Substances Act, 1908, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount.

- iii. 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.
 - iv. The Applicant shall not indulge himself in similar type of activities and single registration of the crime would lead to the cancellation of bail.
 - v. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
7. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)