

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

Criminal Application [BA] No.533 of 2015

(Tahir @ Haddi Shaikh Ansari

vs.

The State of Maharashtra, through PSO Parseoni [Gramin], District Nagpur)

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

Mr. A.K. Bhangde, Advocate for the Applicant.

Mr. A.K. Bangadkar, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 25, 2015.

By the present application, the applicant is seeking his enlargement on bail. The applicant is arrested in connection with Crime No.88/2014, registered with Police Station Parseoni, District Nagpur for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.

Heard Mr. Bhangde, learned Counsel for the applicant and Mr. Bangadkar, learned A.P.P. for the State.

The investigating Officer has already complete his entire investigation and he has filed the report under Section 177 of the Code of Criminal Procedure before the competent Court of law. Deceased is one Sunil. In the entire prosecution case, there is no eye-witness account.

The F.I.R. was lodged by Shuddodhan Deshbhratar, who is Police Patil of village Dahegaon, He was informed by one

Amol Surkar that he has seen dead body of one person and, therefore, he went at the place just to notice a full decomposed body.

During the course of the investigation, the Police Officials could reach to accused No.1-Dinesh. Against Dinesh, there are statements of two prosecution witnesses, they are Kishor Bhandarkar and Sandeep Lamgadge. The statement of Kishor would reveal that on 06/08/2014, when he had been to the house of accused No.1-Dinesh, that time he noticed that accused No.1 was mercilessly beating one boy, aged about 15 to 16 years. Ultimately this boy was identified as Sunil during the course of investigation. Also the statement of Sandeep would show that at a hotel whereat Chinese food is served, that time deceased was in company of Dinesh and there also, he was assaulted by Dinesh. Sandeep's statement would also reveal that the present applicant took a knife from his shop, which was never returned to the said prosecution witnesses.

This Court has already released accused No.1-Dinesh and accused No.2-Shahid on bail. The only incriminating material that is pressed into service against the present applicant by the learned A.P.P is the recovery of a weapon under Section 27 of the Evidence Act. There is no other connecting circumstance against the present applicant in the prosecution case. There is nothing on record to show that the deceased was

lastly seen in the company of the present applicant, exclusively.

In that view of the matter, merely because there is recovery, the same is not sufficient to cut short the liberty of the applicant, which leads me to pass the following order especially when the investigation is over and the charge-sheet is filed.

- ➔ Applicant-Tahir alias Haddi Shaikh Ansari, be released on bail on his executing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with two solvent sureties in the like amount in connection with Crime No.88/2014 before the trial Court.
- ➔ The applicant shall attend the Police Station Parseoni, District Nagpur, once in a fortnight preferably on Monday between 03:00 p.m. to 05:00 p.m. till culmination of the trial.
- ➔ With these, the application is allowed and disposed of

JUDGE

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