

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION NO.72/2015
(Ashish Padmakar Ambulkar ..vs.. Pramod Keshavrao Kohale and ors.)

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

Court's or Judge's orders.

Mr. P. S. Wathore, Advocate for applicant.

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 29, 2015.

Heard learned counsel for the applicant.
By the present application under Section 439(2) of the Cr. P. C., the applicant is seeking cancellation of the bail granted in favour of non applicant no.1 by Additional Sessions Judge, Amravati on 04.08.2015 in Misc. Criminal Application No.625/2015.

At the time of consideration of the application for regular bail by the learned trial Court, the investigation was already completed and the charge-sheet was already filed before the court of law and the said charge-sheet was before the learned Judge of the court below while evaluating the prosecution case vis-a-vis non applicant no.1.

With the assistance of Mr. Wathore, learned counsel for the applicant, I have independently gone through the entire charge-sheet in order to consider the submissions made on behalf of the applicant.

The FIR is lodged by one Dnyaneshwar.

He is a driver of the deceased Padmakar. The FIR is lodged on 23.04.2015. From the FIR, it appears that the dispute arose due to the recently held Gram Panchayat elections. In the FIR, no doubt true, name of the non applicant no.1 is taken. However, his name is taken along with other co-accused persons and the allegation made against non applicant no.1 are the most general in nature. No specific role is attributed against non applicant no.1.

Learned counsel for the applicant submits that there are eye witnesses to the incident. With the assistance of learned counsel, I have perused the charge-sheet from which it is crystal clear that their statements are recorded at a belated stage. Further, no explanation is given as to why these eye witnesses kept mum and only at the belated stage, are taking name of non applicant no.1. Further, from the post mortem, it is clear that it is a case of single blow.

In that view of the matter, I do not find any reason to interfere with the order passed by the court below. Criminal Application No.72/2015 is, therefore, rejected.

JUDGE