

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

CRIMINAL APPLICATION (BA) NO.757 OF 2015

Rahul Ganvir and anr

..vs..

The State of Mah.

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

Court's or Judge's Order

Shri A.A. Naik, counsel for the applicants.
Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 28, 2015.

Heard.

By the present application under Section 439 of the Code of Criminal Procedure, the applicants are seeking their release on bail since the applicants are arrested in connection with Crime No.349 of 2014 registered with Police Station Hudkeshwar, District Nagpur for the offences punishable under Sections 302, 143, 147, 148, 149, 120-B, and 201 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act as also under Section 135 of the Bombay Police Act, 1951.

The FIR is lodged by Sanjay Shamrao Raut on 15.12.2014. He is the elder brother of Shital who used to look after the work of Sumati Builders at Shyam Talkies, Nagpur. The FIR discloses that the first

informant received a phone call from his sister-in-law Kalpana Manoj Raut that Shital was brutally assaulted by three-four unknown persons near Prince Pan Shop at Rajapeth.

The investigating officer swung into action and the investigation was started. The dead body of Shital was having 52 injuries of either stabs or incised wound. Thus, it is clear that Shital was brutally done to death.

The investigating officer shown the sense of urgency in the matter and conducted the test identification parade since the FIR was lodged against the unknown persons. In the prosecution case, there are about five eyewitnesses.

Applicant No.1 Rahul is identified by the pan shop owner Vilas and the person near his pan shop that the deceased was done to death. Also, applicant No.1 Rahul is identified by other eyewitnesses Rajesh and Nitin. Applicant No.2 Aashish is identified by all eyewitnesses as a member of the group that assaulted the deceased.

The only submission of learned counsel for the applicant before this Court is that proper procedure was not followed by the authorities while conducting

the test identification parade. I am afraid that such argument can be entertained at this stage especially when the ocular evidence is available. Hence, the application is rejected.

JUDGE

!! BRW !!

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