

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

**Criminal Application (BA) No. 801 of 2015**  
**Pravin v. The State of Maharashtra**

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

Court's or Judge's orders.

Mr H.S. Pitale, Adv for applicant  
Ms Mayuri Deshmukh, APP for respondent-State

**Coram: V. M. Deshpande, J**  
**Date : 29<sup>th</sup> October 2015**

1. Heard Mr H. S. Chitale, learned counsel for the applicant and Ms Mayuri Deshmukh, learned Additional Public Prosecutor for respondent-State.
2. This is an application for regular bail. Applicant is arrested in crime No. 54/2015 registered with Police Station, Yavatmal (Rural) for the offences punishable under Sections 302, 201, 109, 147, 148, 149 of the Indian Penal Code.
3. The investigation is over and the charge-sheet is also filed. The charge-sheet would disclose that police officer Doifode when was discharging duty at Police Station, received a phone call that near Deccan Sugar Factory, dead body of unknown person was found. On getting such information, first-informant reached there. During the course of investigation, identity of deceased was disclosed as Baba @ Sarfaraj Hussain.
4. Baba @ Sarfaraj was having love affair with prosecution witness Manda. Her statement would reveal that on 1.4.2015, she received phone call from deceased Sarfaraj for a pleasure trip at

Mahur. According to her statement, they came to Mahur in the motor vehicle owned by prosecution witness Vishnu Raut. Deceased and Manda enjoyed their stay at Mahur in a Lodge. At that time, Vishnu was in his motor vehicle only. Thereafter at 06.00 o'clock, Manda received a phone call from one Khalilpapa whereby she was called for having a dinner in the agricultural field of one Raju Mate, the co-accused. Therefore, the three proceeded towards the said agricultural field. There they noticed that liquor party was already in progress. The present applicant was giving help in the said party to Raju Mate and his friends. After having a few drinks, as per the statement of Manda, Raju Mate made some advances towards her. That time, Sarfaraj objected by saying that Manda is his keep. Thereafter they proceeded for their home. Manda's statement would reveal that Vishnu Wankhede left deceased Sarfaraj at Satara Fata. Thereafter, as per the statement of Manda, she received phone call from deceased that he is not getting any vehicle. Thereafter she again requested Vishnu to drop Baba to his place. However, it was disclosed to Manda that time by Vishnu that he is taking liquor in a liquor bar and there is no gas in his vehicle. However, according to the statement of Manda, sometime thereafter it was disclosed to her by Vishnu that when he and Amol had been Satara Fata, they noticed that the present applicant and other co-accused were making assault on the deceased.

5. Though Vishnu and Amol claim to be eye witnesses, their statements are recorded belatedly and there is no explanation for such belated recording of their statement. Further, even according to Manda, she was informed by Vishnu and Amol that Baba was assaulted by present applicant. In spite of getting such knowledge on the same day, no attempt was made to make report to police. There are two statements in the charge-sheet - one of Sandip Nimbalkar and other of Hasan Khan, their statements are also recorded on 7.4.2015 i.e. after six days of the incident. According to their statement, though they claimed that they witnessed the assault, their statements would show that thereafter the person on whom the assault was made who was unknown to them, proceeded towards Arni

on foot. With such type of evidence available in the prosecution case and when the charge-sheet is already filed, in my view, discretion can be exercised in favour of the applicant. Hence, the following order :-

**ORDER**

- I. Application is allowed.
- II. Applicant Pravin Ramesh Mate be released on bail in connection with Crime No. 54/2015 registered with Police Station, Yavatmal (Rural) for the offences punishable under Sections 302, 201, 109, 147, 148 and 149 of the Indian Penal Code on he executing PR Bond of Rs. 25,000/- with one solvent surety in the like amount.
- III. Applicant shall attend Police Station, Yavatmal (Rural) twice in a month i.e. on 1<sup>st</sup> and 3<sup>rd</sup> Saturday in between 03.00 pm and 05.00 pm till culmination of trial.
- IV. With this, application is allowed and disposed of.

**Judge**