

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

Criminal Application (BA) No. 226 of 2016

[Rajesh Govindrao Mandwe Vs. State of Maharashtra (through P.S.O., City Kotwali, Distt.
Amravati)]

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

Court's or Judge's Order

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Shri P. V. Navlani, Advocate for the applicant
Shri N. B. Jawde, APP for the State/non-applicant

CORAM : A. S. CHANDURKAR J.

DATE : 20-5-2016.

The present application has been filed under Section 439 of the Code of Criminal Procedure seeking release of the applicant on bail. The applicant was arrested on 3-11-2015 with regard to Crime No. 360/2015 that has been registered under the provisions of Sections 143, 147, 148, 149 and 307 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act. Subsequently, provisions of Section 302 of the Indian Penal Code have also been added to the charge-sheet.

It is submitted on behalf of the applicant that the applicant has not played any role in the alleged offence. It is submitted that the statement of the complainant dated 1-11-2015 as well as the supplementary statement dated 2-11-2015 does not refer to the presence of the applicant. It is submitted

that the only reference about the presence of the applicant is in the statement of one Suresh Rajgure who has stated that the applicant instigated the other accused to assault the victim. Reference is also made to the records of the Close Circuit Television that has been gathered by the investigation.

The application is opposed by the learned Additional Public Prosecutor on the ground that the offence is of serious nature and the material collected shows involvement of the applicant. It is, however, submitted that charge-sheet has been now filed before the Sessions Court on 22-1-2016.

Perused the statements of the complainant dated 1-11-2015 and 2-11-2015. Perused the records of the Close Circuit Television collected by the prosecution. The only reference to the presence of the accused is found in the statement of one Suresh Rajgure. Except the role of instigating the other, there is no other role attributed to the applicant. Considering the fact that the investigation is now complete and charge-sheet has been filed, I do not find that the applicant is required to be kept in detention.

On prima facie consideration of the aforesaid material, following order is passed.

- (i) The application is allowed.
- (ii) The applicant be released on bail on furnishing PR bond of Rs. 25,000/- with one surety of like amount.
- (iii) The applicant shall appear before the Sessions Court regularly unless exempted from appearance. He shall not take any steps to influence the witnesses or tamper the material collected by the prosecution.

JUDGE

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