

FARAD CONTINUATION SHEET

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

Criminal Application (aba) No. 388 of 2016

Pankaj s/o Prabhakar Bukawan

v.

State of Maharashtra

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

Court's or Judge's orders

Mr. A.A. Naik Advocate for the applicant.
Mr. S.S. Doifode, APP, for the respondent/State.

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Coram : S.B. Shukre, J.

Date : 21st JULY, 2016.

Heard learned counsel for the applicant and learned
APP for the respondent/State.

It is seen that the story of the prosecution, as it goes
against this applicant, is that he is one of the conspirators who
has been over heard by a witness to be a conspirator to
eliminate the complainant. There is a statement of one
witness who has over heard the conversation between this
applicant and the co-accused Raju regarding elimination of one
lady. This witness could not gather the name of the lady about
which there was a talk between this applicant and the co-
accused. It is on the basis of this statement that the learned APP
is submitting that this applicant's custodial interrogation would
be necessary, he being one of the conspirators of the offence
registered against him and the other persons.

However, the chief conspirator, as per story of

prosecution, is the husband of the complainant. But, there is no material present on record to show that this applicant or the co-accused had any axe to grind against the complainant for which they would hatch a conspiracy to eliminate the complainant and so without husband being involved with whom the complainant had strained relations, this applicant could not have been made accused. But the husband, the main conspirator, has been granted anticipatory bail by the trial Court. That order, it appears, has not been challenged by the prosecution. Therefore, case of the applicant cannot be distinguished from the case of the husband who has been granted anticipatory bail. Even otherwise, I do not think that custodial interrogation of this applicant would be required, as he was admittedly not present at the spot of incident at the relevant time. For these reasons, this application can be granted.

The application is allowed and the interim bail granted to the applicant by this Court on 21.6.2016 is hereby confirmed on the same conditions.

Criminal application is disposed of.

Judge

/TA/

Certificate

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