

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

CRIMINAL APPLICATION (BA) NO.808 OF 2016

(Manku @ Mantu s/o Ramdas Patel and another ..vs.. The State of Maharashtra, through PSO, PS
Kalmana, Nagpur)

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

Court's or Judge's orders

Shri C.R. Thakur, Advocate for the applicants,
Shri A.M.Deshpande, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : 30-11-2016

Heard learned Advocate for the applicants and
learned Additional Public Prosecutor for the non-
applicant.

2. This application is filed by applicants for grant of bail involved in Crime No.304/2015 registered by Kalmana Police Station, Nagpur for the offences punishable under Section 302, 452, 143, 144, 147, 148, 149 and 506(B) of the Indian Penal Code. The learned Advocate for the applicants has contended that there is no evidence establishing involvement of the applicants except by way of statement of co-accused Satish Shahu and on effecting arrest, about their identification by complainant Sangita wife of deceased Santosh. It is thus contended that as the charge-sheet is filed, there is no purpose keeping the applicants behind bar pending trial.

3. The learned Additional Public Prosecutor opposed the application contending that deceased has sustained as many as 27 injuries which, were caused by knife and as per report, applicant No.1 has assaulted by knife. It is also contended that during interrogation one knife came to be seized under Section 27 of the Indian Evidence Act at the instance of applicant No.1. It is thus contended that in view of evidence as aforesaid, the application be rejected.

4. Perusal of report reveals that incident took place at midnight at 12-30 a.m. when deceased alongwith his wife had gone in the neighbourhood to sleep where initially two persons having armed with weapons entered the house and were enquiring about deceased. In short time three other persons entered the house having armed with weapons and found deceased person in the house. In the meantime, co-accused Satish Shahu and Sachin Shahu having armed with weapons like knives in their hands also arrived and assaulted deceased Santosh on his back and abdomen due to which he sustained severe injuries and fell down on the ground and died on the spot.

5. Considering the contents of First Information Report, thus it appears that no name of applicants is mentioned in the same as there are names of two accused only mentioned in the First Information Report

and rest are referred as other persons, having armed with knives.

6. The applicants are admittedly arrested on the statement of co-accused Satish Shahu and are thereafter identified by Sangita. In that view of the matter, applicants having limited involvement as aforesaid and as this Court has already released co-accused Shubham, Rajendra and Chandresh on bail, the application is liable to be allowed as per order below.

The applicants shall be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- each with one surety each in the like amount.

The applicants shall attend the Investigating Officer once in three months on first day of each such month.

The applicants shall supply proof of residence and shall update the same in the event of change in future.

Needless to say that, the applicants shall attend the trial Court on the fixed dates.

JUDGE