

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (BA) NO.30 OF 2017.

Rohit Dhanraj Sonarkar

..VS..

The State of Mah, PSO, P.S. Imamwada, Nagpur.

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

Mr.R.K.Tiwari, Adv. for the applicant.

Mr.A.V.Palshikar, APP for the applicant.

CORAM : P.N. DESHMUKH, J.
DATE : 13th FEBRUARY, 2017.

1. This application is filed for grant of bail by the accused involved in Crime No.155 of 2015, registered at Police Station Imamwada, Nagpur for the offence punishable under Sections 143, 147, 148, 149, 307 and 302 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. Heard learned counsel for applicant and learned Additional Public Prosecutor for the State.

3. It is submitted on behalf of applicant that no name of applicant is figured in the report nor he is attributed any role by complainant. It is further contended that even from the statements of alleged eyewitnesses, involvement of applicant is not found and has therefore submitted that application be

allowed as one of the co-accused Sanjay Alone, who is similarly placed, is already released on bail by order dated 25th July, 2016 passed by this Court in Criminal Application (BA) No.611 of 2016.

4. Learned Additional Public Prosecutor opposed the application as per reply filed on record and has contended that name of applicant is mentioned by the eyewitnesses in their statements and on the ground that blood stained clothes are seized from the person of applicant which establish his involvement in the present crime.

5. Considering the submissions advanced as aforesaid, on perusal of report dated 12th October, 2015 it reveals about incident of an assault upon father of complainant wherein he came to be assaulted by sharp weapon on his head and succumbed to the same after he was taken to Medical College and Hospital, however, no name of applicant is mentioned in the report as assault is attributed to three accused and five to six other associates who had accompanied them. As such, it is noted that nothing is found in the report establishing involvement of applicant.

6. Statement of Yeshodara, wife of deceased, involves one Rohit Bhosale as an assailant. Similarly, on perusal of statements of other eyewitnesses namely Shubham Gajbhiye, Priya, wife of complainant, and Ajay, these witnesses involved one Rohit Botya. Admittedly, there is no investigation carried

out if Rohit Botya and the applicant is one and the same person. As such, it is found that except for evidence as aforesaid, there is nothing establishing involvement of applicant in the present crime, except for seizure of his blood stained clothes as put forth by learned Additional public Prosecutor. However, it is material to note that incident is dated 11th October, 2015 while applicant came to be arrested on 16th October, 2015 and his pant and shirt are seized on 17th October, 2015 alleged to be having blood stains. Fact of applicant having same clothes on his person for five days and that too having blood stains upon them, appears to be practically impossible.

Another ground put forth by learned Additional Public Prosecutor opposing bail is identification of accused persons in Test Identification Parade by the complainant. However, that by itself is not sufficient to curtail liberty of applicant as there appears no other evidence sufficient establishing his involvement in this crime. In that view of the matter and as charge-sheet is filed, application is allowed by imposing suitable conditions, as per order below.

Applicant Rohit Dhanraj Sonarkar shall be released on bail in Crime No.155 of 2015, registered at Imamwada Police Station, Nagpur, on his executing P.R. Bond in the sum of Rs.50,000/- with one surety in the like amount.

While on bail, applicant shall mark his attendance with Imamwada Police Station, Nagpur once in three months on the first day of each such month, pending trial.

Applicant shall produce proof of his residence to Investigating Officer, Imamwada Police Station, Nagpur and shall

update the same in the event of change of his address in future.

In view of disposal of Criminal Application (BA) No.30 of 2017, Criminal Application (APPP) No.52 of 2017 and Criminal Application (APPP) No.53 of 2017 stand disposed of as infructuous.

JUDGE

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