

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

Criminal Application (BA) No. 177 of 2017

Shahrukhan and anr v. 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

Shri R. K. Tiwari, Advocate for applicants
Shri Neeraj Patil, APP for respondent-State

Coram : S. B. Shukre, J

Dated : April 27, 2017

Heard. Perused reply of prosecution and charge-sheet.

It appears from the statements of witnesses that the blows which caused fatality in this case, are attributed to the accused persons who were wearing blue T-shirt and yellow half T-shirt. The other eye witness states that he saw the assault being made on the complainant. But so far as deceased is concerned, it appears, this witness does not connect the applicant with the injuries sustained by deceased Shekhar. Therefore, even though this application has been opposed by learned Additional Public Prosecutor on the ground that the other eye witnesses attributed some role or the other to the applicant, I find that the argument cannot be accepted straightway. There are some distinguishable features to the role of this applicant. Then, same dummies have been used in every round for holding test identification parade. The cumulative effect of all these circumstances will be, now, the applicant is entitled to be released on bail. Hence, I am inclined to allow this application.

Application is allowed and it is directed that the applicant be released on bail in crime No. 136/2016 registered with Police Station, Sakardara, Nagpur for the offences punishable under Sections 143, 147, 148, 149, 302, 307 and 120B of the Indian Penal Code and Sections 4 and 25 of the arms Act on furnishing PR Bond of Rs. 30,000/- together with one solvent surety, on the following conditions:

- (i) Applicant shall regularly attend all dates as may be fixed by the trial Court.
- (ii) Applicant shall cooperate with the trial Court for expeditious disposal of the trial.
- (iii) Applicant shall not tamper with prosecution evidence in any manner.

Application is disposed of.

JUDGE

joshi