

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

CRI. APPLICATION (BA) NO. 543 OF 2017

(SHRI. RUPESH S/O RAJU LANGEWAR...VS.. STATE OF MAH. THR. P.S.O. PS BAJAJ NAGAR,
 NAGPUR, DIST. NAGPUR)

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

Court's or Judge's orders

Shri. Akash B. Moon, Advocate for Applicant.
 Shri. V. A. Thakre, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 23rd JUNE, 2017.

Heard.

The applicant is arrested on 22nd December, 2016 in crime registered against him and co-accused for the offence punishable under Sections 302, 212 read with Section 34 of the Indian Penal Code and Section 135 of the Maharashtra Police Act. According to the Investigating Agency, over some trivial issue, the co-accused Golu @ Gautam stabbed the victim and that time the applicant had held the victim.

The advocate for the applicant has submitted that the presence of the applicant on the spot is doubtful, that the identification parade is not conducted properly, that there is no recovery from the applicant, investigation is complete and charge-sheet is filed and the custody of applicant is not required for further investigation and therefore, the non-applicant be directed to release the applicant on bail. It is submitted that only accusation against the applicant is that he held the victim when co-accused stabbed the victim by knife

and in similar case, this Court has granted bail to Zakir Baksh Mehboob Baksh in Criminal Application (BA) No.682 of 2013 on 2nd December, 2013.

The victim had nine stab wounds, all of them on chest. There is eyewitness of the incident.

Considering the facts of the case, I am not inclined to grant the prayer made in the application.

The application is **dismissed**.

JUDGE

PBP