

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

CRIMINAL APPLICATION (BA) NO.630/2017

Sonu Omprakash Sakhare

..Vs..

State of Maharashtra, through P.S.O., P.S., Lakadganj, Nagpur

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

Court's or Judge's orders

Shri H.M. Sakhare, Adv. for the applicant.
Shri V.A. Thakre, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 13.7.2017.

Heard.

Applicant is arrested on 16th November, 2016 in connection with Crime No.329/2016 registered against three persons (including the applicant) for the offence punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

The learned Advocate for the applicant submitted that the only accusation against the applicant is that he hit the victim (deceased) by a stone. It is submitted that the charge-sheet is filed and custody of applicant is not required for investigation. The Advocate for the applicant relies on the fact that co-accused Santosh is released on bail as per the order passed by Sessions Court on 18th April, 2017.

The learned A.P.P. has pointed out that the

presence of applicant, at the time of incident, is corroborated by the C.C.T.V. footage and while granting bail to co-accused Santosh the fact that *prima facie* presence of Santosh at the time of incident is not reflected, weighed with the Sessions Court. It is further submitted by the learned A.P.P. that the name of applicant is referred in the statement of eye witness.

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

JUDGE

Tambaskar.