

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

CRIMINAL APPLICATION (BA) NO. 811 OF 2017

(Sanjay Shrinath Marve..vs..State of Maharashtra, through PSO.PS.Wadi,(Nagpur City),Nagpur.)

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

Court's or Judge's orders.

Shri R.M.Patwardhan, Advocate for applicant.
Shri R.S.Nayak, A.P.P. for State- non-applicant.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2017

This is an application for grant of regular bail.

2] Heard learned counsel for applicant and learned A.P.P. for State.

3] The applicant is arrested on 1/10/2016, in connection with Crime No. 973/2016, registered with P.S.Wadi(Nagpur City),Nagpur for the offence punishable under Sections 143,147,149,201,302 of the Indian penal Code.

4] The incident had occurred in between 26/9/2016 and 30/9/2016. The investigating officer has already completed the entire investigation and chargesheet is already filed on record.

5] According to prosecution, the material that is available against the present applicant are the statements of one Mangesh and his wife Nisha whose statements are recorded on 17/10/2016 and in their statements they claim that they are the eye witnesses to the incident of assault made on deceased Salim by means of stone. The incident is dated

26/9/2016. This prosecution witness Mangesh Shende and first informant Akbar Ahmad , the brother of deceased Salim were acquainted with each other, however for the reason best known to Mangesh and his wife Nisha they chose to remain as mute spectators till their statements were recorded on 17/10/2016. Looking to the thick relations between these prosecution witnesses and first informant it was expected from them to disclose the fact of making assault on Salim immediately.

6] Further, according to statements they witnessed the incident in the street light. The incident according to these two witnesses occurred in the night hours at 11.30 p.m. The spot panchnama contains sketch of the spot of incident. From the said sketch it is clear that said street light is far away from the actual assault place. Therefore, it is very doubtful whether really these two witnesses has noticed the present applicant. Since the chargesheet is filed , except belated statements of these two witnesses there is no evidence against the present applicant in my view. All the observations made in the present order are only for the purpose of deciding the application for bail. The learned Judge who will be conducting the trial shall not get influence by the observations of this Court. Hence, order.

ORDER

- I) The application is allowed.
- II) Applicant Sanjay Shrinath Marve be released on bail in Crime No. 973/2016, registered with P.S. Wadi (Nagpur City), Nagpur for the offence

punishable under Sections 143,147,149,201,302 of the Indian Penal Code on he executing P.B. of Rs.25,000/- with one solvent surety in the like amount.

With this the application is disposed of.

JUDGE

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