

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

CRIMINAL APPLICATION (BA) NO.840 OF 2017

Gaurav Subhash Manekar

..vs..

The State of Maharashtra, thr. PSO PS Wadgaon Road, Yavatmal, Tahsil and
District Yavatmal

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

Court's or Judge's Order

.....
Shri A.S. Manohar, Counsel for the applicant.

Shri R.S. Nayak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 11, 2017.

1. Heard learned counsel Shri A.S. Manohar for the applicant and learned Additional Public Prosecutor Shri R.S. Nayak for the State.

2. The applicant is arrested in connection with Crime No.124 of 2017 registered with Police Station Wadgaon Road, District Yavatmal for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the investigating officer has already completed his entire investigation and the charge-sheet is already filed.

4. He invites my attention to the first information report lodged by Sau. Sangita Ravindra Wankhede, cousin sister of deceased Swapnil, and submits that she is not an eyewitness.

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5. According to learned Additional Public Prosecutor, there are eyewitnesses. However, their statements show that they were recorded on 7.2.2017 i.e. after a lapse of 3 days and *prima facie* there is nothing available on record as to why they kept mum for good 3 days.

6. However, learned counsel for the applicant has invited my attention to the postmortem report. Column No.17 shows that knife blow, which is alleged to have been given by the present applicant, was on gluteal (Buttock) region. According to him, that fact itself shows that there was no intention on the part of the present applicant to commit murder.

7. Looking to the nature of the act on his part which the applicant gave a knife blow, it would be rather difficult at least at this stage to comment that he was well aware of the fact that due to such attack, there will be an injury to underline vessel resulting into the death. Therefore, after the Trial, it is quite possible that offence may be scaled down from Section 302 of the Indian Penal Code to the lesser offence.

8. In view of this and the fact that the investigation is already over, further custodial presence of the applicant is not required. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Gaurav Subhash Manekar be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.124 of 2017 registered with Police Station Wadgaon Road, District Yavatmal for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

iii) The applicant shall attend the police station once in a month i.e. on last Sunday of every month between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

iv) The observations made by this Court in the order are only for the purposes of deciding the application for bail and learned Judge of the Court below shall not get influenced while conducting the Trial.

v) With this, the criminal application is disposed of.

JUDGE

.....4/-

!! BRW !!