

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.951 of 2017
[Shyam Kisan Guthe Vs. State of Mah, Jaulka PS, Tq. Malegaon,
Distt. Washim]

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

Court's or Judge's orders

Mr. R. M. Daga, Adv., for the applicant.
Ms. Kalyani Deshpande, APP for non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 12th October, 2017

The applicant who has been arrested on 15th May, 2017 in connection with Crime No. 93/2016 registered at Jaulka Police Station, Distt. Washim, for the offences punishable under Sections 427, 304-A, 279, 302, 201 read with Section 34 of the Indian Penal Code and Sections 3 (i) (1) (s) and 3 (2) (5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, seeks his release on bail.

The First Information Report came to be lodged on the basis of a report dated 11th June, 2016. In that report, it was stated that one Deepak Khandare was found injured on account of his fall from the motorcycle. Offence under Sections 279 and 304-A of Indian Penal Code came to be registered. During the course of investigation, the statement of the mother of the

deceased was recorded in which she raised a suspicion against one Santosh Andhale. The supplementary statement was then recorded on 14th May, 2017 in which further suspicion was raised against the present applicant and his relatives. The applicant was arrested on the next day.

It is submitted on behalf of the applicant that he was falsely implicated in the crime only on the basis of suspicion of the mother of the deceased and in view of the supplementary statement made almost a year after the incident. It is further submitted that even said statement refers to an earlier dispute between the parties. No recovery has been effected from the present applicant and he has no criminal antecedents. It is submitted that charge-sheet has now been filed and hence applicant is entitled for his release.

The application is opposed by the learned APP by referring to the statements of the mother of the deceased. It is submitted that the applicant was seen with the other accused and, therefore, his involvement is apparent.

Perused the First Information Report and the charge-sheet.

The initial statement of the mother of the deceased does not implicate the applicant herein. The

statement recorded after almost a year raises a suspicion against the applicant. There are no eye-witnesses and it appears that the applicant has been implicated on the basis of some previous dispute between the parties. As the charge-sheet has now been filed after completing investigation, further detention of the applicant is not warranted.

The applicant is, therefore, directed to be released on bail pursuant to his arrest in Crime No. 93/2016 registered at Jaulka Police Station, Distt. Washim, for the offences punishable under Sections 427, 304-A, 279, 302, 201 read with Section 34 of the Indian Penal Code and Sections 3 (i) (1) (s) and 3 (2) (5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, on furnishing a Personal Bond of Rs.15,000/- [rupees fifteen thousand only] and one surety in the like amount. He shall initially attend the concerned Police Station on 1st November, 2017 and thereafter as per the directions of the Investigating Officer. He shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding the bail application.

Judge

