

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

CRIMINAL APPLICATION (BA) NO.960 OF 2017

Gyaneshwar @ Nana s/o Kisan Rangari, R/o Kumbhare Nagar, Gondia

-vs-

State of Maharashtra, Thr. PSO, PS Dawaniwada, Dist.Gondia

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

Court's or Judge's Orders.

Shri R. K. Tiwari, Advocate for applicant.

Shri J. Y. Ghurde, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 20, 2017

The applicant who has been arrested on 07/07/2016 in connection with Crime No.22/2016 registered at Police Station Dawaniwada, Dist. Gondia for the offence punishable under Sections 302 and 120-B read with Section 34 of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 04/07/2016 lodged by one Pravin, on the previous day he received a phone call that his father had been injured in an attack. The informant then went in search of his father who was found injured. The father told the informant two persons viz. Ravi and Manoj were the assailants though they were in all four persons. His father succumbed to the injuries resulting in the report being lodged.

It is submitted on behalf of the applicant that the only material collected by the prosecution against the applicant are the statements of witnesses, Raman and Ganraj. These

statements have been recorded on 29/07/2016 which is almost after 26 days of the incident. Though one of the witnesses has identified the present applicant, there is no seizure effected from him. It is submitted that the overt acts are attributed to the other accused as per the statement of the victim and the eye witnesses. As the charge-sheet has been filed on 04/10/2016, the applicant deserves to be released on bail. It is submitted that other accused have also already been released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that there is sufficient material against the present applicant. He was identified in the test identification parade. Though no seizure has been effected, the witnesses have seen the applicant assaulting the deceased. There is likelihood of the witnesses being influenced.

Perused the First Information Report as well as documents filed with the charge-sheet. As per the statement of the victim, two accused other than the applicant were named by him. The statements of the two witnesses are with regard to four persons and they have named the two other accused in connection with the overt acts. Applicant has been identified by one of the witnesses subsequently. Considering the fact that statements have been recorded after almost 26 days and there is no seizure effected from the present applicant, he is entitled to be enlarged on bail.

Hence the applicant Gyaneshwar @ Nana s/o Kisan Rangari who has been arrested on 07/07/2016 in connection with Crime No.22/2016 registered at Police Station Dawaniwada, Dist. Gondia for the offence punishable under Sections 302 and 120-B read with Section 34 of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

The applicant shall co-operate in completion of the trial and shall not influence the prosecution witnesses.

The observations made in this order are only for deciding this application which is allowed and disposed of.

JUDGE