

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.961 of 2017
[Omkarsing Telsing Bhond Vs. State of Mah. Karanja (Ghadge) PS,
Distt. Wardha]

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

Court's or Judge's orders

Mr. C. R. Thakur, Adv., for the Applicant.
 Mr. Damle, Addl. Public Prosecutor for the non-applicant.
 Mr. Nitin B. Thakre, Adv., for assisting the prosecution.

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CORAM : A. S. CHANDURKAR, J.

DATE : 11th October, 2017

The applicant who has been arrested on 28th May, 2017 for his involvement in Crime No. 238/2017 registered at Karanja [Ghadge] Police Station, Distt. Wardha, for offences punishable under Sections 279, 304-A, 302 and 120-B of Indian Penal Code, read with Sections 184, 134 and 179 of the Motor Vehicles Act, seeks his release on bail.

As per the First Information Report dated 2nd May, 2017, an accidental death on account of dash by a four wheeler to the motorcycle of one Amarsingh was registered under Sections 279 and 304-A of Indian Penal Code. During the course of investigation, offences under Sections 302 and 120-B of Indian Penal Code came to be

added, pursuant to which, the applicant was arrested.

It is submitted on behalf of the applicant that though the applicant does not appear to be involved in the crime in question, only on the basis of Call Detail Records, the applicant has been implicated as he is the brother of Accused No.1. The learned counsel for the applicant has referred to the statement of Baljitsingh recorded under Section 164 of the Code of Criminal Procedure, 1973, to submit that even he did not take the name of present applicant. It is, therefore, submitted that merely on the basis of Call Detail Records, the applicant has been implicated. He is, thus, entitled to be released on bail.

Shri Damle, learned Addl. Public Prosecutor and Shri Nitin B. Thakre, learned counsel for the informant, opposed the application. It is submitted by the learned Addl. Public Prosecutor that as per the Call Detail Records, the applicant was in communication with Accused No.1 who is his elder brother. There being a criminal conspiracy to do away with the deceased, the applicant does not deserve to be released on bail. It is also submitted that the family members of the applicant were issuing threats to the wife of the deceased and, therefore, there is an apprehension that the applicant, if released, would pressurize the witnesses.

Perused the First Information Report as well as

the prosecution papers.

From the Call detail Records, it is sought to be demonstrated that the applicant was in touch with his brother on the date of the incident and immediately thereafter the prosecution has recorded statement of one Baljitsingh under Section 164 of the Criminal Procedure Code. He has referred to his talk with Accused No.1. He has, however, not referred to present applicant. Though it is true that for purposes of attracting criminal conspiracy, the Call Detail Records could be relied upon, considering the fact that the applicant has been under arrest since 28th May, 2017 and the investigation is now complete, he can be enlarged on bail, but by imposing conditions.

Accordingly, the applicant, who has been arrested pursuant to Crime No. 238/2017 registered at Karanja [Ghadge] Police Station, Distt. Wardha, for the offences punishable under Sections 279, 304-A, 302 and 120-B of Indian Penal Code, read with Sections 184, 134 and 179 of the Motor Vehicles Act, is directed to be released on bail on furnishing a Personal Bond of Rs. 20,000-00 [rupees twenty thousand only] with one surety in the like amount. The applicant shall not enter the limits of Karanja [Ghadge], Distt. Wardha, till the completion of trial. The applicant shall furnish his address and sureties from the place where the applicant would be residing during trial. No steps be taken to

influence the prosecution witnesses. It is open for the prosecution to apply in case there is a breach of any condition.

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

Application is disposed of.

Judge

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