

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

CRIMINAL APPLICATION (BA) NO.962 OF 2017

Nayan s/o Markand Ilamkar, R/o Kunjilal Peth, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Ajni, Dist. Nagpur

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 S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 10, 2017

The applicant who has been arrested on 03/05/2017 in connection with Crime No.131/2017 registered with Police Station Ajni, Dist. Nagpur for the offence punishable under Sections 302, 307, 143, 148, 149 of the Indian Penal Code read with Sections 4 and 25 of Arms Act seeks his release on bail.

As per the First Information Report dated 03/05/2017 lodged by one Maya, her son Pankaj was having love affair with the sister one Bunty Sukhdeve. It is stated that on the previous day her son had gone out and did not return back at night. It was informed that he along with his friend Palash Varma were being assaulted. She found her son had sustained injuries and hence he was taken for medical treatment. Said Pankaj expired at about 1 am. On that basis the crime came to be registered.

It is submitted on behalf of the applicant that after

completion of investigation the charge-sheet has been filed. Statement of eye-witness Palash Varma does not attribute any overt act to the present applicant in so far as assault on the deceased is concerned. No seizure has been effected from the applicant. Only on the basis of his presence in the group, he has been implicated. It is submitted that as the investigation is now complete, the applicant deserves to be enlarged on bail.

The application is opposed by learned Additional Public Prosecutor by relying upon the police papers. According to him, the statements of the father, brother of the deceased and one Stifen Singh implicate the present applicant. It is further submitted that considering seriousness of the offence applicant does not deserve to be enlarged on bail. If he is so released there is likelihood of his influencing the witnesses.

Perused the charge-sheet as well as documents filed along with it. As per the report, the deceased was accompanied by his friend Palash Varma. The statement of said friend has been recorded on 03/05/2017. He however merely refers to the presence of present applicant and does not specify any overt act while assault on the deceased was going on. He has stated that this witness was sought to be assaulted with a steel weapon. The statements of other witnesses are on similar line. The witness Stifen Singh has also referred to presence of the present applicant without specifying any over act. Statement of the father is based on the statement made to him by the deceased.

Considering the fact that the eye-witness who was also injured in the assault has not attributed any overt act to the applicant in so far as the deceased is concerned, I find a case is made for releasing the applicant on bail. There is no seizure from him and after completion of investigation, the charge-sheet has been filed. Appropriate conditions can be imposed to prevent the witnesses being influenced.

Accordingly, the applicant Nayan s/o Markand Ilamkar who has been arrested on 03/05/2017 in connection with Crime No.131/2017 registered with Police Station Ajni, Dist. Nagpur for the offence punishable under Sections 302, 307, 143, 148, 149 of the Indian Penal Code read with Sections 4 and 25 of Arms Act 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 not enter the limits of Police Station, Ajni till completion of the trial. He shall co-operate in concluding the trial and shall not attempt to influence the prosecution witnesses.

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

JUDGE