

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

CRIMINAL APPLICATION (BA) NO.983 OF 2017

Ravi s/o Laxman Katre, Khambari, Tah. Tiroda, Dist. Gondia

-vs-

State of Maharashtra, Thr. PSO, PS Wadi, 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 C. G. Barapatre, Advocate for applicant.
Ms Shamsi Haider, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 22, 2017

The applicant who has been arrested on 01/10/2016 in connection with Crime No.973/2016 registered at Police Station Wadi, Dist. Nagpur for the offence punishable under Sections 143, 147, 149, 201, 302 of the Indian Penal Code seeks his release on bail.

It is the case of the prosecution that one Salim Sheikh was missing from his house since 26/09/2016 and therefore a missing report was lodged on 29/09/2016. Thereafter on 01/10/2016 the brother of said Salim lodged a report in which it was stated that on the previous day when he was standing in front of his house he was informed by an unknown person that a dead body was seen in a well near the open ground. The informant then found that the said body was of his brother. The informant was also told by one Mangesh Shende that on 26/09/2016 at about 11.30 pm the applicant and five others were seen assaulting the brother of the informant. The applicant came to be arrested on 02/10/2016.

It is submitted on behalf of the applicant that the only material collected against him is in the form of statements of said Mangsh Shende and his wife. These statements have been recorded after about four days of the incident and even according to them the incident in question took place at 11.30 pm. There was no light in the vicinity and the delay in making those statements is a relevant factor. It is then submitted that except seizure of motorcycle from the present applicant nothing else has been seized. Another accused Sanjay Marve has been granted bail by this Court and as the role of the present applicant is similar, he is entitled for parity.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that statements of witnesses indicate the role of the present applicant. Merely on the ground of delay the same cannot be discarded. Considering seriousness of the offence, applicant does not deserve to show leniency.

Perused the First Information Report as well as documents filed along with charge-sheet. The statements of witnesses Mangesh and his wife have been referred to by this Court in Criminal Application (BA) No.811/2017 while considering the prayer made by another accused Sanjay Marve. The role attributed to present applicant is similar to that of the aforesaid accused. Statements of said witnesses indicate that the incident had taken place at about 11.30 pm. Considering aforesaid order passed on 05/09/2017, I find the applicant entitled for his release on bail on parity.

Accordingly the applicant Ravi s/o Laxman Katre who has been arrested on 01/10/2016 in connection with Crime No.973/2016 registered at Police Station Wadi, Dist. Nagpur for the offence punishable under Sections 143, 147, 149, 201 and 302 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 take any steps to influence the prosecution witnesses.

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

Pending application (APPP) No.1695/2017 is also disposed of.

JUDGE