

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

CRIMINAL APPLICATION (BA) NO. 1005 OF 2017

PRAVIN S/O KESHAORAO PAYGHAN

-vs-

STATE OF MAHARASHTRA

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

Court's or Judge's Orders.

Shri R. M. Daga, Advocate for applicant.  
Ms. S. Haider, APP for non-applicant/State.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : November 06, 2017**

Leave to correct the reply.

Correction be carried out forthwith.

The applicant who has been arrested on 6-6-2017 for the offences punishable under Sections 302, 397, 120 (B), 201 of Indian Penal Code registered at Police Station Washim (City) vide Crime No.236/2017 seeks his release on bail.

As per the first information report dated 26-5-2017, one Barku Payghan reported that his brother Baban was assaulted in the morning at 10.30 a.m. The informant heard that his brother was being assaulted near Petrol Pump on Hingoli road. When the informant proceeded there, he noticed his brother's motor cycle and also found his dead body. Gold ornaments on his body was found missing. During the course of investigation, the accused Omprakash came to be arrested. After his interrogation the present applicant was arrested on 6-6-2017.

It is submitted on behalf of the applicant that merely on the basis of the call detail reports of the applicant

and other accused, the applicant has been roped in. According to the learned Counsel the case of the prosecution is based on circumstantial evidence and after completion of investigation the chargesheet has been filed. Hence, a case is made out for releasing the applicant on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon reply. It is submitted that the accused persons hatched a conspiracy to do away with the deceased. The present applicant had taken a four-wheeler on rent which was being driven by the other accused Omprakash. The call detail reports between the accused indicate conversation between them just prior to the incident. Though the gold ornaments have been recovered from the other accused, the material on record is sufficient to deny bail to the applicant.

Perused the first information report as well as documents filed alongwith the chargesheet. The golden ornaments have been seized on memorandum from accused Omprakash. No seizure has been effected from the present applicant except his clothes. Only on the basis of call detail reports, the applicant is implicated on the allegation of there being a conspiracy.

Considering the fact that the applicant was arrested on 6-6-2017 and after completion of investigation the chargesheet has now been filed, I find a case made out for release of the applicant on bail subject to imposing conditions.

The applicant who has been arrested pursuant to Crime No. 236/2017 under Sections 302, 397, 120(B), 201 of Indian Penal Code registered at Police Station Washim (City)

is directed to be released on P. R. Bond of Rs.25,000/- with one surety in the like amount. The applicant shall not enter the limits of Police Station Washim (City) till the conclusion of the trial except for attending the Court proceedings. He shall cooperate with the trial Court for completion of the trial. No steps be taken to influence the prosecution witnesses. Observations made are only for deciding the bail application which is allowed and disposed of.

**JUDGE**

/Muley/