

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [BA] No.1013 of 2017**  
**[Rishabh Sudesh Pande Vs. State of Mah., Tumsar PS, Distt. Bhandara]**

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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**

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Mr. K. S. Motwani, Adv., for the applicant.  
Ms. Geeta Tiwari, APP for non-applicant.

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

**DATE : 06th December, 2017**

The applicant who has been arrested on 27<sup>th</sup> October, 2016 in connection with Crime No. 119/2016 registered at Tumsar Police Station, Distt. Bhandara, for the offences punishable under Section 302 read with Section 34 of Indian Penal Code, further read with Section 3 (2) (5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act.

As per the report dated 22<sup>nd</sup> October, 2016 lodged by one Rashika, it is stated that on the night of said day, their neighbour - Vikas Gillorkar - Accused No.1 had called her husband and had told him to give some tobacco to accused No.1 - Vikas. The husband of the informant did not do so and hence said Vikas assaulted her husband. As a result of said attack, her husband suffered injuries and he succumbed to the

same. Three other accused persons were also with accused no.1. Applicant during the course of investigation came to be arrested.

It is submitted on behalf of the applicant that after completion of investigation, the charge-sheet has been filed. There is no material collected by the prosecution against the present applicant. One of the witnesses - Durga Meshram has denied the presence of the applicant herein. The informant in her statement has merely referred to the presence of the applicant. All overtacts are attributed to accused no.1. It is further submitted that co-accused has been released on bail by this Court.

The application is opposed by the learned Addl. Public Prosecutor. It is submitted that as per the statements of witnesses, the applicant was present when the offence took place. The cause of death is head injury. Considering seriousness of the crime, applicant does not deserve to be released on bail.

Perused the charge-sheet.

The statement of the informant indicates presence of the applicant while attributing overtacts to the accused no.1. Another witness -Durga Meshram has stated that she did not see the present applicant when she had come out of her house. Considering the fact

that charge-sheet has now been filed after completion of investigation, further detention of the applicant is not warranted. A case is, therefore, made out for releasing the applicant on bail.

Accordingly, the applicant who has been arrested in connection with Crime No. 119/2016 registered at Tumsar Police Station, Distt. Bhandara, for the offences punishable under Section 302 read with Section 34 of Indian Penal Code, and read with Section 3 (2) (5) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act is directed to be released on bail on furnishing a Personal Bond of Rs. 25,000-00 [rupees twenty-five thousand only] with two sureties in the like amount. The applicant shall co-operate in the completion of the trial. He shall not take any steps to influence the prosecution witnesses.

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

**Judge**