

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

CRIMINAL APPLICATION (BA) NO. 1030 OF 2017

Omprakash Deepak Rohankar, Amar Nagar Ward, Ward No.2, Hingana Road, Nagpur

-vs-

State of Maharashtra, Thr. PSO, PS Washim, Tah. & Dist. Washim.

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

Court's or Judge's Orders.

Shri S. V. Sirpurkar, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 27, 2017

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 according to the prosecution the gold ornaments have been recovered

from the present applicant. However if his statement recorded under Section 27 of the Evidence Act is perused, he has stated that these ornaments were handed over to him by other accused Pravin. It is further submitted that said accused Pravin has been enlarged on bail. As the case of the prosecution is based on circumstantial evidence and the charge-sheet has now been filed, the applicant deserves to be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon reply. It is submitted that considering the recovery of gold ornaments of the deceased from the present applicant, he is not entitled for his release. The applicant had conspired along with other accused in committing the crime.

Perused the first information report as well as statements recorded. As per the recovery effected by the prosecution, it is the accused Pravin who had handed over said ornaments to the present applicant. These ornaments were recovered at the instance of present applicant. I find that accused Pravin has been released on bail. Considering the fact that the investigation is now complete and charge-sheet has been filed, a case is made out for releasing the applicant on bail subject to conditions.

Accordingly, the applicant Omprakash Deepak Rohankar, who has been arrested pursuant to Crime No. 236/2017 punishable 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