

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

CRIMINAL APPLICATION (BA) NO.1032 OF 2017

1. Sharad s/o Kishor Bhushanwar,
2. Kunal Laxmanrao Pusalwar,
Pawanshakti Nagar, Wathoda Layout, Nagpur.

-vs-

State of Maharashtra, Thr. PSO, PS Nandanwan, 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 G. B. Hemke, Advocate for applicants.
Shri K. L. Dharmadhikari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : December 05, 2017

After arguing the application for sometime, learned counsel on instructions, seeks permission to withdraw the same in so far applicant No.1 is concerned. Permission granted.

The applicant No.2 who has been arrested on 18/04/2017 in connection with Crime No.123/2017 registered at Police Station Nandanwan, Dist. Nagpur for the offence punishable under Sections 364 read with 34, 302, 201, 120(B) of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 17/04/2017 one Likesh Sathwane was found missing and hence on a next day a missing report was lodged by his mother. Thereafter on 17/04/2017 further report was lodged stating that prior to about two and half months there was some misunderstanding

between her son and one Jaya Sharma. She had at that time had given threats to her son. On the basis of suspicion that said Jaya Sharma was behind his disappearance, a report came to be lodged. During investigation it was found that said son had been done away and the applicant No.2 along with other accused came to be arrested.

It is submitted on behalf of the applicant No.2 that the material collected against him by the prosecution is not sufficient to connect him with the crime in question. Though a knife has been recovered under Section 27 of the Evidence Act it has no blood stains. Similarly the clothes of the applicant No.2 also do not have any blood stains. There is no evidence to indicate that applicant No.2 was last seen with the deceased. As the charge-sheet has now been filed, the applicant deserves to be enlarged on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that considering the injuries sustained by the deceased, the applicant No.2 is connected with the crime. The call detail records indicate presence of applicant No.2 near the place of the incident. There is likelihood of applicant No.2 threatening the witnesses. Hence the application deserves to be rejected.

Perused the First Information Report as well as the charge-sheet. The seizure of the knife is at the instance of applicant No.2. However said knife and clothes of applicant No.2 do not have any blood stains. There are blood stains on

the clothes recovered from applicant No.1. Similarly there are no statements to indicate that applicant No.2 was last seen with the deceased. As the charge-sheet has now been filed after completing the investigation, the applicant No.2 can be released on bail.

Accordingly the applicant Kunal Laxmanrao Pusalwar who has been arrested on 18/04/2017 in connection with Crime No.123/2017 registered at Police Station Nandanwan, Dist. Nagpur for the offence punishable under Sections 364 read with 34, 302, 201, 120(B) of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand) with one surety in the like amount.

The applicant after his release on bail shall not enter the jurisdiction of Police Station Nandanvan till completion of 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.

JUDGE