

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [BA] No.1079 of 2017**  
**[Pramod Ramdas Wanare Vs. State of Mah., Hiwarkhed PS, Distt. Akola]**

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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. R. M. Daga, Adv., for the applicant.  
Ms. Geeta Tiwari, APP for non-applicant.  
Mr. K. H. Anandani, Adv., for informant.

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

**DATE : 04th December, 2017**

The applicant who has been arrested on 22<sup>nd</sup> January, 2017 in connection with Crime No.12/2017 registered at Hiwarkhed Police Station, Distt. Akola, for the offences punishable under Sections 304 and 302 of Indian Penal Code seeks his release on bail.

As per the report dated 21<sup>st</sup> January, 2017, the informant has stated that on the previous night, his son had left the house. At 1.00 a.m., he received a phone call informing that while his son was returning back, an incident had occurred in which his son was injured. The informant went to the spot and found that his son was having injuries on his head. A pick-up van was standing there. On the said vehicle as well as its tyres, there were blood stains. One Abdul Javed was found present

there. He, however, did not give any proper answers. On that basis, a report came to be lodged. Subsequently, statement of said Abdul Javed came to be recorded. On the basis of his statement, the present applicant came to be arrested.

It is submitted on behalf of the applicant that he has been falsely implicated in the crime. As per the report of the informant as well as the Spot Panchanama, it could be seen that there were blood stain marks on the vehicle as well as its tyres. Despite the fact that said Abdul Javed was present on the spot, he did not state anything to the informant. His statement under Section 164 of Criminal Procedure Code, 1973 was recorded on 14<sup>th</sup> February, 2017 in which he has stated that the applicant's photograph was shown to him. Test Identification Parade was subsequently conducted on 8<sup>th</sup> March, 2017. Considering these aspects, it is submitted that the material collected against the applicant is of a doubtful nature. As regards antecedents, it is submitted that the applicant has been acquitted in many of the offences, while in the present case, there is no substantial material collected by the prosecution.

The application is opposed by the learned Addl. Public Prosecutor. She is assisted by the informant who has moved Criminal Application No. 1924 of 2017. For reasons stated therein, that application is allowed. It is submitted that the weapon in question was seized at the

instance of the applicant. The applicant was identified in the Test Identification Parade by said Abdul Javed. Merely because some photographs were shown to said witness, the same would not take away the impact of said identification parade. Considering the nature of injuries suffered by the deceased, the applicant who has antecedents does not deserve to be released on bail.

Perused the charge-sheet as well as documents placed on record.

Perusal of the report indicates a doubt being raised against said Abdul Javed. In the report it is stated that though said Abdul Javed was present at the spot, he did not give proper answers. His statement has been subsequently recorded on 22<sup>nd</sup> January, 2017 in which he has implicated the present applicant. His statement reveals that the stick with which the deceased was assaulted was in the pick-up vehicle. The report as well as Spot Panchanama indicate blood stains on the four wheeler as well as its tyres. Considering aforesaid nature of material collected by the prosecution, coupled with the fact that applicant is behind bars for more than ten months and as charge-sheet has now been filed, I am inclined to release the applicant on bail.

The applicant who has been arrested in connection with Crime No.12/2017 registered at Hiwarkhed Police Station, Distt. Akola, for the offences

punishable under Sections 304 and 302 of Indian Penal Code is directed to be released on bail on furnishing a Personal Bond of Rs.30,000-00 [rupees thirty thousand only] with one surety in the like amount. The applicant shall co-operate in the completion of the trial. He shall not take any steps to influence the witnesses.

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

**Judge**

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