

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1114 of 2017
[Dinkar Natthuji Harkal Vs. State of Mah., Risod PS, Distt. Washim]

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

Court's or Judge's orders

Mr. R. M. Mardikar, Adv., for the Applicant.
Mr. A. Madiwale, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 04th December, 2017

The applicant who has been arrested on 9th July, 2017 in connection with Crime No.179/2017 registered at Risod Police Station, Distt. Washim, for the offences punishable under Sections 302, 201, 144, 148, 149 and 120-B read with Section 34 of Indian Penal Code, Section 4 (25) of the Arms Act and Section 135 of the Bombay Police Act seeks his release on bail.

As per the report lodged by one Narayan Humbad, his brother - Gajanan was found missing on 8th

July, 2017. The informant was then told that the body of said Gajanan was found on the road with grievous injuries. On that basis, a report came to be lodged. On the next day, the applicant 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 substantial material collected by the prosecution against the present applicant. The weapon in question has been seized from accused no.1 – Sandip Pawar. In his statement recorded under Section 27 of the Evidence Act, he has not even referred to present applicant. Statements of two witnesses, namely Mangesh Khumbad who is the brother of the deceased as well as Rukhmabai who is the mother of the deceased indicate that applicant who was the father-in-law of the deceased used to give him threats. These threats were on account of the fact that the applicant's daughter was married with the deceased and she was done away by her husband – Gajanan. For said reason, the applicant had lodged an FIR on 26th October, 2016. It is, therefore, submitted that considering this material, the applicant is entitled for being enlarged on bail.

The application is opposed by learned Addl. Public Prosecutor. It is submitted that from the Call Detail Reports [CDRs], it can be seen that the applicant was in touch with accused no.1 on the previous day of the incident. It is further submitted that the applicant

used to threaten the family of the deceased on account of death of his daughter. Considering seriousness of the crime, applicant does not deserve to be released on bail.

Perused the documents filed along with the charge-sheet.

The initial report lodged by the brother of the deceased does not raise a doubt against the applicant. The only statements against the applicant are of the brother and mother of the deceased. Said statements, however, are of a general nature. The CDRs indicate two calls made by the applicant to accused no.1 on the previous day. Considering recovery of the weapon from the accused no.1 and the fact that after completion of investigation, the charge-sheet has been filed, a case has been made out for releasing the applicant.

Accordingly, the applicant who has been arrested in connection with Crime No.179/2017 registered at Risod Police Station, Distt. Washim, for the offences punishable under Sections 302, 201, 144, 148, 149 and 120-B read with Section 34 of Indian Penal Code, Section 4 (25) of the Arms Act and Section 135 of the Bombay Police Act 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 trial and 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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