

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.1115 of 2017
[Shubham Pandhari Khapekar Vs. State of Mah., Mankapur PS, Nagpur]

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

Court's or Judge's orders

Mr. P. G. Mohite, Adv., for the Applicant.
Mr. A. Madiwale, APP for non-applicant.

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CORAM : A. S. CHANDURKAR, J.

DATE : 06th December, 2017

The applicant who has been arrested on 8th June, 2017 in connection with Crime No. 122/2017 registered at Mankapur Police Station, Nagpur, for the offences punishable under Sections 307, 109 and 120-B read with Section 34 of Indian Penal Code seeks his release on bail.

As per the prosecution, one Kishor Khapekar - Accused No.2 is alleged to have had illicit relations with one Manisha. As this fact came to the knowledge of the husband of Manisha - Devidas, there were disputes between the parties. On 7th June, 2017, said Devidas is

alleged to have thrown certain photographs of his wife and said accused no.2 in front of the house of Accused No.2. In that context, the applicant who was related to accused no.2 along with two others are said to have assaulted the informant, resulting in grievous injuries. After completion of investigation, charge-sheet came to be filed.

It is submitted on behalf of the applicant that the material collected by the prosecution against the applicant is of a weak nature. As per the statement of one Vicky Jaiswal, the informant had told him that the faces of the persons who had assaulted him were covered and he was not aware about his assailants. He, however, had a doubt on accused no.2. It is then submitted that other accused having a similar role as that attributed to the applicant have been released on bail by the Sessions Court. Similarly, accused no.2 who had a grudge against the informant has also been released.

The application is opposed by the learned Addl. Public Prosecutor by filing reply. It is submitted that statements of witnesses indicate that after the photographs in question were found in front of the house of accused no.2, the present applicant had a talk with accused no.2 and he had thereafter left on his two wheeler. The applicant has been identified in the Test Identification Parade and the weapon in question has

been seized from the applicant. The applicant also has some antecedents and, therefore, if he is released, there is likelihood of witnesses being influenced.

Perused the charge-sheet.

The case of the prosecution is based on the earlier dispute between accused no.2 and the informant and for said purpose, he was assaulted at the instance of accused no.2. Though the applicant was identified in the Test Identification Parade, same has been held on 21st July, 2017 which is about a month-and-half after the incident. The report of the Chemical Analyzer is yet to be received. In these circumstances and considering the fact that accused nos. 3 and 4 have been released on bail, I am inclined to enlarge the applicant on bail, subject to imposing conditions. These conditions would take care of apprehensions against him.

Accordingly, the applicant who has been arrested in connection with Crime No. 122/2017 registered at Mankapur Police Station, Nagpur, for the offences punishable under Sections 307, 109 and 120-B read with Section 34 of Indian Penal Code, is directed to be released on bail on furnishing a Personal Bond of Rs.25,000-00 [rupees twenty-five thousand only] with one surety in the like amount. The applicant after his release shall not enter the limits of Mankapur Police Station till the completion of the trial, except when

summoned by the Investigating Officer. He shall not take any steps to influence the witnesses.

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

Judge

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