

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

CRIMINAL APPLICATION (BA) NO. 1149/2017

Akash s/o Shantaram Sonekar ..vs.. The State of Maharashtra thr. PSO
P.S. Khaparkheda, Dist. Nagpur

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

Court's or Judge's orders.

Mr. C. R. Thakur, Advocate for applicant.
Mr. S. N. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 13, 2017

1. Heard Mr. Thakur, Advocate for applicant and
Mr. Ghodeswar, A.P.P. for non applicant-State.

2. The applicant is arrested on 31.05.2017 in
connection with Crime No.267/2017, registered with
Police Station, Khaparkheda, Dist. Nagpur for an offence
punishable under Sections 302 read with Section 34 of
the Indian Penal Code.

3. The investigation is over and charge-sheet is
already filed in the Court of law. Admittedly, there is no
eye witness account in the prosecution case. The entire
case of the prosecution is based on the circumstantial
evidence and those circumstances are as under:

(i) Statement of Ratnamala, the first
informant that on 29.05.2017 at 5.30 p.m., when her
son; deceased Lakhan was present in the house, that
time, the present applicant came and took Lakhan on

his motorcycle. After some time, Lakhan came back to the house and at that time, he was having injury on his face. Upon inquiry, he disclosed that the injury is caused by the present applicant.

(ii) On 29.05.2017 at 7.30 p.m., Suraj the juvenile in conflict with law, came to the house and took Lakhan on his motorcycle.

(iii) At 8.00 O'clock in the night, one boy came to her house and informed that Lakhan is lying near water tank. Therefore, the first informant reached to the spot and noticed that injuries were there on his body.

(iv) Recovery of knife and clothes.

4. It is to be noted here that at the time of arrest of the present applicant, and when he was sent for medical examination, the Doctor noticed injuries on the chest of the present applicant. Of course, the prosecution will be at liberty to explain those injuries during the course of trial. However, presently the same assumes importance while considering the application for bail.

5. At this stage, much importance cannot be attached to the recovery since recovery of knife is from the open space.

6. In view of the aforesaid evidence as available in the prosecution case and when the charge-sheet is

already filed, in my view, further custodial presence of the applicant is not necessary. Apprehension of the prosecution can be taken care of by imposing conditions on the applicant. Hence, following order is passed.

ORDER

(i) Criminal Application No.1149/2017 is allowed.

(ii) The applicant-Akash S/o Shantaram Sonekar, be released on bail in connection with Crime No.267/2017, registered with Police Station, Khaparkheda, Dist. Nagpur for an offence punishable under Sections 302 read with 34 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) The applicant shall attend Police Station, Khaparkheda once in a month i.e. on last Sunday of every month between 11.00 a.m. to 5.00 p.m. till the culmination of the trial.

(iv) The applicant shall not tamper with the prosecution evidence and shall not cause any threats to any of the prosecution witnesses.

The application is disposed of.

JUDGE