

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

CRIMINAL APPLICATION NO.1206/2017

Guddu @ Mangesh s/o Birji Padoliya ..vs.. State of Maharashtra thr. PSO
P.S. Katol, 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. T. A. Mirza, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 15, 2017

1. Heard Mr. C. R. Thakur, Advocate for applicant
and Mr. T. A. Mirza, A.P.P. for non applicant.

2. The applicant is arrested in connection with
Crime No. 134/2017 registered with Police Station Katol,
Nagpur for an offence punishable under Sections 365, 34,
302, 364, 201 and 120 (B) of the Indian Penal Code.

The investigation is over. The charge-sheet is also
filed in the matter.

3. Initially, a missing report was lodged on
17.02.2017 in respect of deceased Gopal by his son Gourav.
As per the missing report, the deceased left his home on
15.02.2017 at about 13.30 hrs for arranging fodder. During
investigation of the said missing report, an inquiry was made
with the accused Mithun and the present applicant, who
according to the prosecution, were accompanied with Gopal

till village Paradsingha. During the investigation of the said missing report, another report dated 11.03.2017 was lodged in which it is alleged that the present applicant and Mithun had been to her house and they took the deceased in a field for purchasing fodder.

The dead body of Gopal was found on 11.03.2017 in jungle in very decomposed condition.

4. As per the prosecution case, there are no eye witnesses. According to the learned A.P.P. there are witnesses in the prosecution case who have seen the present applicant lastly in the company of the deceased. He also submitted that during the test identification parade, the present applicant was identified by the witnesses. For that, he invited my attention on the statement of witness Ratnakar. This Ratnakar is working as Manager of one Trinetra Beer Bar. As per his statement, on 05.3.2016, the Police authorities called him along with bill books of the beer bar in connection with murder of the deceased Gopal. In the police station, as per his statement, the photographs of the deceased as well as accused persons were shown. The test identification parade was conducted after a period of one month after the photographs were shown to Ratnakar.

5. In that view of the matter, the test identification parade loses its sanctity and importance. To a pointed query made to the learned A.P.P. as to whether there is any recovery from the present applicant, an empathetic answer

by the learned A.P.P. is “No”. In view of such type of evidence available in the charge-sheet against the present applicant, in my view, the applicant has made out a case for grant of bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.1206/2017 is allowed.
- (ii) The applicant Guddu @ Mangesh s/o Birji Padoliya, be released on bail in connection with Crime No.134/2017, registered with Police Station, Katol, Nagpur for an offence punishable under Sections 365, 34, 302, 364, 201 and 120 (B) of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties int eh like amount.
- (iii) The applicant shall attend Police Station once in a month, on the last Sunday of every month.
- (iv) The applicant shall attend each and every date of the trial.

The application stands disposed of accordingly.

JUDGE