

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

**Criminal Application [BA] No.251 of 2018**

*Rakesh @ Shendi s/o Shalikram Pandey*

vs.

*State of Maharashtra, through P.S.O. Ajani, Nagpur*

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.  
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Court's or Judge's Orders

*Shri M.A. Gadge, Advocate for the Applicant.*  
*Shri V.P. Gangane, A.P.P. for the Non-Applicant/State.*

**CORAM : S.B. SHUKRE, J.**  
**DATE : 24<sup>th</sup> APRIL, 2018.**

Heard.

Perused the reply of the prosecution and the  
case diary.

Upon consideration of the entire evidence  
available on record, I am of the considered opinion that  
this applicant's situation cannot be equated with that  
of the co-accused Vaibhav, who was granted bail by  
this Court on 31/03/2017 in Criminal Application [BA]  
No.199/2017. The reason being that there is *prima*  
*facie* evidence of this applicant having been lastly seen  
in the house of the deceased on the date of the  
incident and that there are records of the mobile  
company, which indicate that this applicant at the  
relevant time and on the date of the incident was  
present near the house of the deceased. The co-

accused of this applicant viz. Pankaj Bholaram Tiwari has not been granted bail by this Court.

Considering the nature of *prima facie* case made out against the co-accused by the prosecution, same treatment would have to be given to the applicant as well. Therefore, I am of the view that this is not a fit case for grant of bail.

The application stands rejected.

**JUDGE**

*\*sandesh*