

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

CRIMINAL APPLICATION (BA) NO.306 OF 2018

(Kuldeep @ Pinnu s/o Shashidhar Pande V/s The State of Maharashtra, through PSO,
PS Gittikhadan, Nagpur)

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

Court's or Judge's orders.

Shri P.P. Kotwal, Advocate for applicant.
Shri P.S. Tembhurne, APP for Respondent/State.

CORAM: S.B. Shukre, J.

DATE: 13-04-2018.

Heard. Perused the reply of the prosecution.

One of the offences in this crime is an attempt to commit the murder, an offence punishable under Section 307 of IPC, by using fire arm. The allegation as to the use of fire arm by this applicant, however, is not revealed by the statements of the witnesses. It is the case of the prosecution that this applicant was the facilitator of the crime, because he carried accused no. 1 on his motor cycle to the spot of incident and then took him away on his motor cycle. But here also, it is not clear as to whether or not this applicant did something to share the common intention of the co-accused, who used the fire arm, because carrying of a person on motor-cycle is altogether a different thing than sharing of a common intention with the person who was carried on the motor-cycle. There has to be

some material collected during the course of the investigation to establish this essential link. I am doubtful if such link is, prima facie present, in this case.

Investigation is over and charge-sheet has been filed. Therefore, I am of the view that even though some criminal antecedents are there to the applicant, they are not significant so far as this crime is concerned, given the doubt about existence of prima-facie case against this applicant. Even otherwise, this aspect can be taken care of by imposing suitable conditions.

In the result, application is allowed and it is directed that the applicant be released on bail on his furnishing a P.R. Bond in the sum of Rs. 30,000/- together with one solvent surety in like sum, on following conditions:

(i) The applicant shall attend Police Station, Gittikhadan, Nagpur between 5 p.m and 6 p.m. on every Sunday till conclusion of the trial.

(ii) The applicant shall regularly attend the trial Court on the dates fixed in the trial of the case and shall cooperate with the Court in expeditious disposal of the case.

(iii) The applicant shall not tamper with the prosecution witnesses.

(iv) The applicant shall not indulge in any criminal activities, failing which the bail granted to him by this order shall be liable to be cancelled at the instance of the prosecution.

Disposed of.

JUDGE

rkn