

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

CRIMINAL APPLICATION (ABA) NO.303/2018

(Ritesh Arunrao Banarse Vs. State of Maharashtra, PSO., PS Chandur-Railway,
Dist. Amravati)

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

Court's or Judge's orders.

Shri R.M.Daga, Advocate for applicant.

Ms Ritu Kalia, APP for State.

CORAM : S. B. SHUKRE, J.

DATE : APRIL 27, 2018

Heard.

Issue notice. Ms. Kalia, Learned APP
waives it.

Learned APP states that reply has been
filed on record of the case, however, for the present,
it does not form a part of the record. Therefore, I
have considered to be reply of the prosecution by
perusing its copy available with the learned APP.

It is not in dispute that this applicant was
not present at the relevant time at the spot of the
incident. The only allegation made against this
applicant was that the co-accused and the main
accused, who faces allegation of intentionally killing
the deceased at Chandur-Railway, made telephone

call to this applicant, who was then present at Amravati and not in Chandur-Railway and requested him to collect an amount of Rs.15,000/- from the wife of the complainant located at some place in Amravati. The fact is that this applicant collected the amount.

As against this, an admitted factual background is that offence under Section 302 of IPC with the aid of Section 149 of IPC has been registered against this applicant.

Firstly, so far as resorting to Section 149 of IPC is concerned, it is not understood as to how this enabling section could have been pressed into service in the present case. It is also not the case of the prosecution that there was a conspiracy amongst all the accused persons which led to killing of the deceased. There is also no material available on record that the applicant was aware of the intention of the main accused.

Having discussed as above and in the facts and circumstances of this case, I am of the view that this application can be granted and it is allowed accordingly.

It is directed that in the event of the arrest of the applicant, in crime no.76/2018 registered against him at Police Station Chandur-Railway, District Amravati, the applicant be released on bail

on his furnishing PR bond of Rs.50,000/- together with one solvent surety in the like sum, on the following conditions.

(1) The applicant shall attend the Police Station Chandur-Railway everyday between 11 a.m. and 1 p.m. for a period of one week starting from 29th April, 2018 and also on such other occasions as may be required by the Investigating Officer.

(2) The applicant shall co-operate with the police in the investigation.

(3) The applicant shall not tamper with prosecution witnesses.

This order shall remain valid until further orders.

Steno copy is granted to both the side.

JUDGE

Andurkar.