

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

CRIMINAL APPLICATION (BA) NO.516 OF 2018

(Mukesh s/o Punjabrao Naidu ..vs.. State of Maharashtra, through PSO, PS Khaparkheda, Nagpur)

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

Court's or Judge's orders

Shri R.K. Tiwari, Counsel for the applicant,
Shri N.H. Joshi, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 19-06-2018

The applicant is in custody since 28-12-2017 in connection with Crime 748/2017 registered with Khaparkheda Police Station, Nagpur for offences punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, Section 3/25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. The deceased is one Akash Panpatte. The prosecution case is that on 16-12-2017 one Shailesh Masaram shot Akash Panpatte dead with a mouser gun. The assailant was accompanied by three others. All the four were juvenile as on the date of the incident.

3. The prosecution case is that it was the present applicant who supplied the gun used in crime. Perusal of the charge-sheet reveals that, at least at this stage, there does not appear to be any admissible material connecting the accused to the crime. The material which is pointed

out to me by the learned Additional Public Prosecutor is that the co-accused have named the applicant as the supplier of the weapon.

4. The charge-sheet is filed. In the teeth of the material on record, I do not see any justification to continue the incarceration of the applicant in custody.

5. The application is allowed.

6. The applicant be released on executing personal bond of Rs.15,000/- alongwith one solvent surety of the like amount.

7. The applicant shall attend the Khaparkheda Police Station, Nagpur as and when called by the Investigating Officer.

8. The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

JUDGE

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