

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

CRIMINAL APPLICATION (BA) 658 OF 2018

(Pramod s/o. Ghanshyam Wavdhane..vs.. State, thr PSO, PS Bhandara)

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

Court's or Judge's orders.

Shri A.K. Bhangde, counsel for applicant.
Shri T.A. Mirza, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 12 July, 2018.

Heard.

2 The applicant is arrested in Crime 192 of 2018 registered with Police Station Bhandara for offences punishable under section 302, 201, 109 read with section 34 of the Indian Penal Code. The case of the prosecution is that deceased Mukesh Bhaisare was assaulted by one Abhijit Koche and Darshan alias Anda Koche in 2016. The aforesaid Abhijit Koche and Darshan Koche are facing prosecution inter-alia under section 307 of the Indian Penal Code. The case of the prosecution is that the murder of Mukesh Gajbhiye is the consequence of his refusal to withdraw the allegations against Abhijit Koche.

3 It is not in dispute that the applicant is not one of the assailants nor is it case of the prosecution that he was at the scene of crime. The material which is pressed in service to oppose bail is that the statements of the family members of the deceased show that the applicant had first offered money to the deceased to withdraw the allegations against

Ahijit Koche and since the deceased refused, he was threatened of dire consequences.

4 Be it noted that the applicant is not charged under section 120-B of the Indian Penal Code. In the absence of a charge of conspiracy, it would be difficult, even at the stage of prima facie evaluation of material on record, to hold that the applicant can be implicated with the aid of section 34 of IPC only because he allegedly threatened the deceased to withdraw the allegations. These are of course, prima facie, observation and it would be ultimately for the trial Court to evaluate the material on record during the course of the trial.

5 However, I am inclined to allow the application since further incarceration is not warranted.

6 The applicant shall be released on furnishing personal bond of Rs. 15,000/- with a solvent surety of like amount.

7 The applicant shall attend the dates of hearing regularly and shall cooperate in expeditious disposal of trial.

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

9 Hamdast granted.

JUDGE

RSB