

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

Criminal Application (ABA) No.546 of 2018
(Surendra Ram Puri and Dilip @ Dilawar Haridwar Puri .vs. State of
Maharashtra, through PSO PS Malegaon, Dist. Washim)

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

Court's or Judge's orders.

Mr. C.R. Sharma, Advocate for Applicants.
Mr. T.A. Mirza, APP for Respondent

CORAM : NITIN W. SAMBRE, J.
DATED : AUGUST 20, 2018.

Co-accused Yogesh is already granted bail in Crime No. 67 of 2018 registered with the respondent for an offence punishable under Sections 324, 326 read with 34 of the Indian Penal Code.

Complainant Vikas has not named the applicants as an accused but referred only in vague terms the presence of unknown three persons in the first information report.

The statement of the wife of the victim Annapurna recorded under Section 161 of the Cr.P.C. also does not name the present applicants. However, in a statement recorded under Section 164 of the Cr.P.C., for the first time the applicants are named as accused.

The contents of the FIR, the statements recorded under Section 161 and 164 of the Cr.P.C. if appreciated, what is noticed is admittedly wife of the victim Annapurna is not an eyewitness to the incident. But she claimed to have narrated the incident based on the narration made by the victim Vilas.

There are sufficient suspicious circumstances so as to infer the implication of the applicants in the crime in question to be doubtful.

In the aforesaid background, the application deserved to be allowed. Hence the order:-

- (i) In the event of the arrest of the applicants in Crime No. 67 of 2018 registered with the respondent for an offence punishable under Sections 302, 143, 147, 148, 149 of the Indian Penal Code, the applicants be released on furnishing personal bond of Rs.15,000/- with one or two solvent sureties in the like amount by each.
- (ii) The applicants shall not tamper with the prosecution evidence nor shall attempt to influence the prosecution witnesses in any manner.

JUDGE

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