

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

Criminal Application (BA) No. 432 of 2019

Ganesh S/o Ramesh Kolhe

Vs.

State of Maharashtra through P.S. Kalmeshwar, Nagpur Rural

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

Court's or Judge's orders

Mr. Ritesh Patil, Advocate for applicant.
Mr. A.D.Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 17, 2019

The applicant herein is one of the two accused, who are alleged to have committed offence under Section 302 of the Indian Penal Code as per FIR dated 06/04/2019, registered at Police Station Kalmeshwar Dist. Nagpur Rural. The co-accused in the present case is juvenile. As per the prosecution, the said co-accused and the victim were both allegedly involved with a girl and due to this co-accused juvenile allegedly assaulted the victim by means of knife, resulting his death. As per the prosecution, at the time of incident, the applicant was accompanying the co-accused juvenile and, therefore, he was also involved in the serious offence.

2. It has come on record the co-accused juvenile has been released on bail on 10/06/2019 and

further that in pursuance of his statement under Section 27 of the Evidence Act, knife has also been recovered.

3. The material on record also shows that the girl, who was present at the time of incident stated that a person with his face covered was accompanying the co-accused juvenile. Thus, it becomes apparent that other than such statement, there is yet no material in order to directly connect the accused applicant with the said offence. In any case, the main accused, who carried out the assault by means of knife has been released on bail and the knife allegedly used in the crime has been recovered.

4. In this situation, it appears that no purpose would be served by continuing the custody of the applicant, who was arrested on 06/04/2019.

5. In view of the above, the present application is allowed and the applicant is directed to be released on bail on following conditions.

- a) The applicant shall furnish PR bond of Rs.25,000/- with surety of like amount.
- b) The applicant shall continue to co-operate with the investigation and he shall report to Police Station Kalmeshwar Dist. Nagpur Rural once in a week i.e. every Sunday between

10.00 a.m. to 5.00 p.m. till filing of chargesheet.

c) The applicant shall not tamper with the evidence or influence the witnesses.

6. The application is allowed in above terms.

JUDGE