

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

Criminal Application (BA) No. 653 of 2019

Ankush Verma

Vs.

State of Maharashtra through P.S. Aheri Dist. Gadchiroli

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

Court's or Judge's orders

Mr. R. M. Daga, Advocate for applicant.
Mr. A.D.Sonak, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 05, 2019

The applicant has approached this Court for grant of bail as he stood arrested on 20/03/2019, in connection with FIR dated 15/03/2019, wherein offences under Sections 307, 326(A) R/w 34 of the Indian Penal Code were registered against unknown persons. The victim in the present case eventually died on 10/04/2019. Therefore, offence under Section 302 of the Indian Penal Code was added. An FIR was registered on the basis of the statement given by the victim on 15/03/2019, wherein it was alleged that on 14/03/2019, in the night, 3 – 4 persons had forcibly entered into the house of the victim, they had covered their faces with handkerchief and they allegedly threw some substance on the face and body of the victim, due to which he suffered serious injuries and later he was admitted to the Hospital. The victim had suffered acid burn injuries.

2. On 16/03/2019, another statement of the victim was recorded. But, as per the endorsement on the relevant document, since the victim was unfit to give an oral statement, the alleged statement in the hand - writing of the victim was recorded. In the said statement a reference was made to the accused No.1, who is the husband of a Zilla Parishad Member and suspicion is expressed about the involvement of the said accused No.1 in the assault on the victim.

3. In the present case, investigation is complete and charge-sheet is filed. The learned counsel for the applicant invited attention of this Court on the initial oral report dated 15/03/2019 and subsequent written statement dated 16/03/2019 of the victim. It was submitted that in neither of the statements a reference was made to the applicant who was roped in as accused No.2 by the police. It was further submitted that initially FIR was registered against unknown persons and even as per the initial oral statement of the victim, the assailants had covered their faces with handkerchief when they forced their way into his house. It is further submitted that since there is no material to connect the applicant with the incident in question, he deserves to be granted bail.

4. In response to the notice issued by this Court, the non-applicant State has filed its reply

wherein *inter-alia* emphasis has been placed on criminal antecedents of the applicant herein. It is pointed out by the learned APP that several criminal cases have been registered and they are pending against the applicant and, therefore, looking to the facts and circumstances of the present case, the present application deserves to be rejected.

5. Heard learned counsel for the rival parties and perused the material brought on record. A perusal of initial oral report dated 15/03/2019 and subsequent written statement dated 16/03/2019 of the victim shows that while initially it was only stated that 3 – 4 assailants with their faces covered had attacked the victim with acid. In the subsequent written statement suspicion was expressed regarding involvement of accused No.1. The applicant was not named in this statement.

6. The material on record does not, prima facie, at this stage, show any direct connection of the applicant with the incident in question. Merely because the applicant has criminal antecedents cannot be a ground to claim that he was certainly involved in the incident that took place in the present case. Even otherwise, perusal of the chart of the criminal antecedents of the applicant shows that offence under Section 420 of the Indian Penal Code has been registered in one case and in other cases offences under

the provisions of the Maharashtra Prohibition Act, 1949, have been registered.

7. In view of the above, this Court is of the opinion that the application deserves to be allowed. Hence, the present application is allowed and the applicant is directed to be released on bail on the following conditions :

- (a) The applicant shall furnish PR bond of Rs.25,000/- (Rs. Twenty Five Thousand) and surety in the like amount.
- (b) The applicant shall attend proceedings before the Trial Court on each and every date.
- (c) The applicant shall not influence the witnesses.

8. Needless to say, violation of any of the aforesaid conditions may lead to cancellation of bail granted to the applicant by this Court.

9. It is made clear that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE