

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

CRIMINAL APPLICATION (BA) NO.796/2019

Bhojraj s/o Godruji Sahare .vs. State of Maharashtra, through PSO P.S.
Kalamna, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. C. R. Thakur, Advocate for applicant.

Mr. S. M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 13, 2019

Heard Mr. Thakur, learned counsel for applicant
and Mr. Ghodeswar, learned A.P.P. for non applicant-State.

Applicant was arrested in connection with Crime
No.345/2019, registered with Police Station, Kalamna, Dist.
Nagpur for an offence punishable under Section 302 read
with Section 34 of the Indian Penal Code. The investigation
is over and charge-sheet is already filed.

According to the prosecution, there was extra
marital relation of present applicant with deceased Pooja,
daughter of first informant Paresh. Somehow, their relations
were known to the wife of the present applicant by name;
Jospi who is also accused in the present crime. Statement of
Chhatrapati Burbure, a close relative of accused Jospi would
reveal that outside marriage relations between applicant and
Pooja were the reason for the dispute between applicant and
Jospi. As per the prosecution case, on 27.04.2019, Jospi
took the phone call of Pooja to Bhojraj and ultimately, Jospi,

co-accused Pramila, mother of Jospi and the present applicant had been to the place of occurrence and as per the prosecution case, in the altercations, Jospi took out a knife and stabbed Pooja, resulting into her death.

From the charge-sheet, it is clear that when the deceased was taken to hospital, present applicant was accompanied with her. That shows that he tried to give treatment to her. Be that as it may, applicant has not taken any active part in the assault nor any overt act is attributed against applicant, leading to the death of Pooja.

Pramila, co-accused is already released on bail. The main accused Jospi who has inflicted knife blow is in jail. Further, looking to the fact that the investigation is over and the applicant has not actively participated in the crime, in my view, the application can be considered favourably. Resultantly, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Bhojraj s/o Godruji Sahare, be released on bail in connection with Crime No.345/2019, registered with Police Station, Kalamna, Dist. Nagpur for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant shall attend Police Station, Kalamna, Nagpur, once in a month i.e. on last Sunday of every month, till culmination of the trial.

(iv) The applicant shall not give threats or prejudice the prosecution witnesses.

(v) The observations made in this order are prima facie in nature and are made only for the purpose of deciding present application for bail. At the time of trial, the learned trial Court shall not get influenced by any of the observations made in this order.

The application is disposed of.

Criminal Application No.1431/2019

In view of disposal of Criminal Application (BA) No.796/2019, the present application for grant of time to file certified copy is also disposed of.

JUDGE