

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

CRIMINAL APPLICATION (BA) NO.1083/2019

Ankit Ramesh Yegadwar

..VS..

The State of Mah., thr. PSO PS Yavatmal City, District Yavatmal

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

Court's or Judge's Order

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Shri M.N.Ali, Counsel for the Applicant.
Shri P.S.Tembhare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 02, 2019.

1. This is an application for grant of regular bail.
2. Heard learned counsel Shri M.N.Ali for the applicant and learned Additional Public Prosecutor Shri P.S.Tembhare for the State. Also, perused reply filed on behalf of the State and chargesheet.
3. The applicant is arrested on 17.6.2019 in connection with Crime No.385/2019 registered with Yavatmal City Police Station, Yavatmal for offences punishable under Sections 302 and 143 of the Indian Penal Code.
4. As per the prosecution case, on 17.6.2019, at about 1:15 a.m., Pradip, who ultimately succumbed to injuries, was found lying in an injured condition in front of house of one Uma Wankehde. Noticing him in an injured condition, hotel owner of "Hotel Mughal Galaxy" Shaikh

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Shakil informed sister-in-law of injured that Pradip is lying in an injured condition. Thereafter, he was taken to the Government Hospital for treatment. There, doctor declared him brought dead. Initially, a Merg report vide No.55/1991 was registered. During investigation, statement of the hotel owner Shaikh Shakil was recorded in which he did state that on 16.6.2019, at about 11:15 p.m., when he was about to close his hotel, present applicant along with other co-accused came and demanded dinner. Dinner was provided to them. When at counter, bill was settled, as per statement of the hotel owner, present applicant took out a knife and, therefore, co-accused Salman abused him and drove him out of the hotel. As per the statement of the hotel owner, after closing of the hotel, when he was proceeding, he found Pradip in an injured condition.

5. In the entire prosecution case, there is no eye witness account. Only circumstance i.e. attributed against the applicant is that he took out a knife in the hotel. According to the prosecution, the said knife is seized on the memorandum statement of the present applicant. Admissible portion of Section 27 and recovery panchnama would show that recovery is from open space and, therefore, at this stage much weightage cannot be given.

6. Learned Additional Public Prosecutor Shri P.S.Tembhare for the State, on query being put to him by this Court submitted that there is no criminal record at discredit of the applicant. The applicant is aged about 19

years. Therefore, when investigation is over, chargesheet is already filed, there is no criminal antecedents, and there is no direct evidence against the applicant, in my view, he can be released on bail. That leads me to pass following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Ankit Ramesh Yegadwar, in connection with Crime No.385/2019 registered with Yavatmal City Police Station, Yavatmal for offences punishable under Sections 302 and 143 of the Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of Rs.10,000/- with one solvent surety of the like amount.

(c) The applicant is directed to attend the police station twice a month i.e. on 2nd and 4th Tuesday of every month and shall be with Investigating Officer from 11:00 a.m. to 2:00 p.m., till culmination of the Trial.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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