

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

CRIMINAL APPLICATION (BA) NO.1123/2019

Vasudev s/o Urkuda Gajam

..VS..

State of Mah., thr. PSO PS Aroli, Tahsil Mouda, District Nagpur

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

Court's or Judge's Order

.....
Shri P.Shukla, Counsel for the Applicant.
Ms V.K.Nankani, Counsel for Complainant.
Shri M.K.Pathan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 19, 2019.

Criminal Application No.1980/2019

1. Heard.
2. This is an application for permission to assist the prosecution and to oppose the bail application. The said application is filed by learned counsel Ms V.K.Nankani for complainant.
3. For reasons stated therein, the application is allowed.
4. Learned counsel Ms V.K.Nankani for complainant, is permitted to assist the prosecution.
5. The criminal application stands disposed of accordingly.

CRIMINAL APPLICATION (BA) NO.1123/2019

1. This is an application for grant of bail.

2. Heard learned counsel Shri P.Shukla for the applicant, learned counsel Ms V.K.Nankani for complainant, and learned Additional Public Prosecutor Shri M.K.Pathan for the State.

3. The applicant is arrested in connection with Crime No.98/2019 registered with Aroli Police Station, tahsil Mouda, district Nagpur for offences punishable under Sections 302, 201, and 120(B) read with Section 34 of the Indian Penal Code.

4. Investigation is over and chargesheet is already filed.

5. As per the prosecution case, dead body of father of first informant was found in an agricultural field in a decomposed condition. Name of deceased is Bhaurao Meshram. First Information Report shows that on suspicion first informant named 5 persons including the present applicant.

6. There is no eyewitness account.

7. One of co-accused Santosh Sengar was released on bail by this Court on 25.11.2019. While considering his bail application, on behalf of the prosecution it was pressed into service that spot shown by a dog and spot shown by the said accused in kruti panchnama is identical. After considering such piece of evidence, said Santosh was released on bail. Similarly, one Ganesh Makram was also released on bail by this Court (Coram : Manish Pitale, J.) on 22.7.2019.

8. According to learned Additional Public

Prosecutor Shri M.K.Pathan for the State, additional circumstance against the present applicant is that from spot at the behest of the applicant a spectacle of the deceased was seized.

9. Admittedly, place from where the spectacle was recovered is the very same place which was shown by Santosh, the co-accused who is released on bail.

10. Worth to note contents of recovery panchnama of the said spectacle. It would be useful to reproduce relevant portion from the said panchnama and the said is reproduced as under:

“..... आम्ही थांबून खाली उतरलो. आरोपी पुढे, आम्ही स्टाफ व पंच मागे असे नमूद घरासमोर गेलो. आरोपी वासुदेवने बोट दाखवून हेच ते घर असल्याचे सांगून घराची चाबी आमच्याकडून घेवून घर उघडले.”

(emphasis is supplied).

11. With such type of recitals in the recovery panchnama of the spectacle and when there is no eyewitness account, in my view, the application of the applicant can be considered favourably. Resultantly, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) Applicant-Vasudev s/o Urkuda Gajam, in connection with Crime No.98/2019 registered with Aroli Police Station, tahsil Mouda, district Nagpur for offences punishable under Sections 302, 201, and 120(B) read with Section 34 of the

Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

(3) The applicant is directed to attend the police station once in a week i.e. on every Wednesday from 10:00 a.m. and 5:00 p.m., till culmination of trial.

(4) The applicant shall not tamper with evidence of prosecution case.

(5) Observations made in this order are purely for deciding the present application for grant of bail and learned Judge of Court below before whom trial will be conducted shall not get influenced by observations made in this order.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

...../-