

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

CRIMINAL APPLICATION (BA) NO.160 OF 2020

(Rohit @ Dipak s/o. Bhagwanrao Raghatate .vs. State)

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

Court's or Judge's orders

CORAM : M. G. GIRATKAR, J.

DATE : 13.8.2020.

1. Heard Mr.Anil Mardikar, learned Senior Counsel assisted by Mr.S.G.Joshi, learned Counsel for the applicant and Mr.V.A.Thakare, learned Additional Public Prosecutor for non-applicant/State. The hearing was conducted through Video Conferencing and the learned Counsel for the respective parties agreed that the audio and visual quality was proper.

2. The learned Senior Counsel has pointed out statements of witnesses namely Suraj Naidu and others. He has submitted that the applicant is arrested on 28.5.2019 for the offences punishable under Sections 302, 307, 143, 147, 148 r/w. 149 and 120-B of the Indian Penal Code. The applicant is a student, aged about 19 years. The co-accused namely Prashant Hiware, who has played the same role as like the present applicant in commission of crime is released by this Court on bail in Criminal Application (BA) No.239 of 2020 by an order dt.3.8.2020. It is, therefore,

prayed to grant bail to the applicant.

3. The application is strongly opposed by the learned Additional Public Prosecutor for non-applicant/State. The learned Additional Public Prosecutor has submitted that the applicant has played an active role in commission of the crime. Therefore, the application is liable to be rejected.

4. Perused the First Information Report. Name of present applicant is not mentioned in the F.I.R. Statement of witnesses show that one Ashish Manohare gave a blow of beer bottle on the head of Sahil and thereafter, applicant and others beat one Kartik by beer bottles. Along with the applicant, co-accused Prashant also beat the deceased with beer bottle. Thereafter, Kartik was going to Nagpur in his car. The said car turned turtle. It is doubtful as to whether Kartik died in the incident or due to injury caused by the accused persons. This Court has granted bail to co-accused Prashant who has played the same role as like present applicant/accused. The applicant is aged about 19 years. He is a student and wants to get an admission in C.A. course. Looking to the material available on record, the application is allowed.

The applicant be released on bail on execution of P.R. bond of **Rs.25,000/-** with one solvent surety in the like amount.

He shall not tamper with the evidence of prosecution witnesses.

He shall attend the trial Court on each and every date.

The application is disposed of.

JUDGE

ssjaiswal

Suraj
Jaiswal

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signed by
Suraj Jaiswal
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