

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

CRIMINAL APPLICATION (BA) NO.238 OF 2020

(Arpit s/o Narendra Nimbhorkar Vs. The State of Maharashtra thr. PSO PS Wadi,
Dist. Nagpur)

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

Court's or Judge's orders.

Shri C.R. Thakur, Advocate for Applicant.
Shri N.B. Jawade, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 2nd JUNE, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] The applicant and co-accused Abhishek Warhadpande are facing prosecution for offence punishable under sections 302, 307, 341 read with section 34 of the Indian Penal Code in connection with Crime 283/2019 registered with Police Station Wadi, Nagpur.

3] While the co-accused Abhishek is granted bail by this Court vide order dated 22.01.2020 (Coram: V.M. Deshpande, J.) the applicant is in custody since 01.07.2019.

4] The deceased is one Vikki, who was brutally assaulted. In the incident, the allegation is that the

informant Shri Abhishek Mehre, who was accompanying Vikki, was also injured.

5] While the informant states in the first information report that one of the two assailants was referred to as Arpit by the deceased, in the test identification parade the informant has failed to identify the applicant as the Arpit, who was the assailant.

6] The statements of two eye witnesses are recorded who are Shyamrao and Sunanda Hatwar. Both referred to one of the assailants as Abhishek (which is the name of the co-accused who released on bail) and one another. Unfortunately, it does not appear from the charge-sheet that Shyamrao and Sunanda Hatwar were asked to participate in test identification parade. At any rate, there is nothing in the charge-sheet to suggest that such attempt was made.

7] The only other material is the recovery of clothes from a canal at the instance of the applicant. The *panchnama* makes a reference to certain stains. The report of the chemical analyzer report is not received.

8] Considering the material on record, I am satisfied that the applicant has made out a case for grant of bail.

9] The applicant shall be released on bail subject to the following conditions:

[i] The applicant be released on bail on furnishing P.R. bond of Rs.50,000/- with a surety of like amount.

[ii] Considering the prevailing situation, four weeks time is granted to furnish surety.

[iii] The applicant shall not directly or indirectly make any attempt to influence the witnesses.

10] The application is disposed of.

11] The order be communicated to the counsel appearing for the parties, either on the e-mail address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE