

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

CRIMINAL BAIL APPLICATION (BA) 245 OF 2020

(Rajesh @ Raju Babanrao Mohod..vs.. State, thr PSO, PS, Gadgenagar, Amravati)

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

Court's or Judge's orders.

Shri N.A. Badar, counsel for applicant.
Shri J.Y. Ghurde, APP for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:09.09.2020.

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

2. The applicant is in custody since 9.7.2019 in connection with Crime 741/2019 registered with Gadgenagar Police Station, Amravati for offence punishable under section 302 read with section 34 of the Indian Penal Code.

3. The case of the prosecution is that the deceased and one of the accused Vijay Mohod had some altercation and the assault on the deceased is the fall out.

4. While there appears to be prima facie material to indicate the presence of the applicant at the scene of occurrence, and indeed, the participation of the applicant in the assault, whether the applicant did have the common

intention to kill the deceased would have to be examined in the trial. Perusal of the Panchanama of the CCTV recording and the statements of the eye witnesses indicate that it is the co-accused Vijay Mohod who was armed with an Axe and who later on picked up bricks and delivered repeated blows on the head, which injuries proved fatal.

5. The applicant appears to have assaulted the deceased by fist and kicks. At this stage, in the chargesheet, there is no material to suggest that the applicant was armed with weapon. While it is true that common intention may develop on the spot, considering that the applicant has no criminal antecedents, and considering the material on record, in my considered view, the applicant has made out a case for grant of bail.

6. It is made clear that bail is being granted strictly on the basis of the role played by the applicant and this Court has not even implicitly touched the entitlement or otherwise to bail of the other co-accused.

7. The applicant shall be released on furnishing P.R. Bond of ₹ 25,000/- with a surety of like amount. Considering the prevailing situation, the surety may be furnished within four weeks of the bail.

8. The applicant shall attend the Gadgenagar Police Station, Amravati every Thursday, Friday and Saturday from 11.00 a.m. to 1.00 p.m. and shall cooperate with the Investigating Officer.

9. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the investigation.

Judge

Belkhede RS