

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

CRIMINAL APPLICATION (BA) NO. 292 OF 2020

Kimesh s/o Omprakash Agrawal .Vs. State of Maharashtra, through PSO,
PS, Gondia (City), Dist. Gondia.

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

Court's or Judge's orders.

Mr.R.S. Agrawal, Advocate for applicant.

Mr. V.A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : MAY 19,2020

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

Heard Mr. Agrawal, learned counsel for the applicant and Mr. Thakare, learned Additional Public Prosecutor for non applicant-State.

The applicant is a juvenile in conflict with law in respect of crime registered with the Police Station, Gondia (City) vide Crime No.569/2019 for an offence punishable under Sections 302, 324 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act.

The investigation is over and charge-sheet is already filed. The First Information Report (FIR) is lodged by one Rehan Waliyani. The deceased is one Pratham alias Kanha Sharma. Even as per FIR and the prosecution case, the applicant has not assaulted or made assault on the deceased. The deceased was assaulted by Ketan and Pranav Mishra. They are also juvenile in conflict with law.

The applicant is in Government Observation Centre from 15.11.2019. As per prosecution case, the role of the applicant is that the other two juveniles who actually assaulted on the deceased ran away along with this applicant. In that view of the matter, I pass the following order:

ORDER

- (i) The Criminal Application is allowed.
- (ii) Applicant - Kimesh s/o Omprakash Agrawal be released on bail in connection with Crime No.569/2019 registered with Police Station, Gondia City, Gondia for an offence punishable under Sections 302, 324 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, on he executing PR bond in the sum of Rs.10,000/- with one solvent surety of the like amount.
- (iii) Applicant's natural guardian, who has filed this application namely Omprakash s/o Rameshchand Agrawal shall also file an undertaking before the Court below, before whom bail bond will be executed, that he shall keep watchful eye on applicant-Kimesh, until culmination of the trial.
- (iv) 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.

The application is disposed of.

JUDGE