

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

CRIMINAL APPLICATION (BA) NO. 376 OF 2020

(Nikhil s/o Krishnakant Sedani vs. State of Maharashtra thr. Officer-in-charge of PS, Akot,
District - Akola)

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

Court's or Judge's orders.

Shri S.P. Dharmadhikari, Senior Advocate with Shri
K.N. Shukul, Advocate for the applicant.
Mrs. S.S. Jachak, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Dharmadhikari, learned Senior Advocate with Shri Shukul, learned counsel for the applicant and Mrs. Jachak, learned APP for the non-applicant – State, through video conferencing.

As per prosecution story, on 21.02.2020, at about 10.00 P.M., the informant noticed one person lying in front of Police quarters and also saw one person running with another person on motorcycle. The injured was identified as Tushar Pundkar, who later succumbed to gun shots fired by two unidentified persons.

The allegation against the present applicant is that he supplied fire arm, used in the commission of offence.

The learned Senior Advocate appearing for the applicant submitted that there is not a single call from the CDR of the accused and the co-accused, showing connection with the present crime. There is only one call of 23 seconds i.e. in the month of March 2019 and the present incident is of February 2019. The applicant has no criminal antecedents and the charge sheet is also filed.

Perused the application, affidavit in reply and charge sheet. I have also considered the submissions made on behalf of both sides.

At the outset, apart from the allegation that the present applicant facilitated procurement of fire arm used for commission of crime, the prosecution could not point out any other connecting link of the applicant with the present crime.

The prosecution also could not point out any criminal antecedents against the applicant. The investigation is completed and the charge sheet is also filed. The applicant is in jail since more than one year. No fruitful purpose would be served in keeping the applicant behind the bar.

In the given facts, I am inclined to allow the application and the same is allowed, however, on stringent conditions :

Criminal Application is allowed. The applicant – Nikhil s/o Krishnakant Sedani, be released on bail

on executing Personal bond of Rs. 50,000/- (Rs. Fifty thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside.

The applicant shall not pressurize or issue threats to the witnesses.

The applicant shall not tamper with the prosecution evidence.

The applicant to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Any observation made in this order shall not prejudice the case of the prosecution.

Criminal Application is disposed of accordingly.

JUDGE

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