

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

CRIMINAL APPLICATION (BA) NO. 412 OF 2020

(Vikas s/o Umed Nagose vs. State of Maharashtra thr. PSO, PS, Wathoda, District - 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 the applicant.
Mrs. H.N. Prabhu, APP for the non-applicant – State.
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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Thakur, learned counsel for the applicant and Mrs. Prabhu, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested in Crime No. 6 of 2020 for the offence punishable under Sections 302 of the Indian Penal Code, registered at Police Station, Wathoda, Nagpur, District – Nagpur.

The prosecution case is that on 07.01.2020 at about 8.30 P.M., an unknown person had killed the deceased by name Himanshu Dhenge by means of stone. Immediately, First Information Report came to be lodged on 08.01.2020.

During investigation, it transpired that the present applicant killed the deceased on the issue of

hand loan given by the foster sister of the deceased to the present applicant and he was avoiding to repay.

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

At the outset, the present applicant is arrayed as an accused on the ground of extra-judicial confession to his relatives at Balaghat and the last seen theory in the statement of Mahima and other witnesses.

The present case is based on circumstantial evidence. The alleged weapon is a stone which shows that the murder was not a pre-planned and it is the outcome of the quarrel between the deceased and the foster brother of Mahima. The age of the present applicant is 19 years with no criminal antecedents.

The reply filed on behalf of the prosecution does not reveal any specific ground apart from general ground to oppose the application. In the absence of any substantive material on record, in my opinion, the applicant who is aged 19 years and since there is no guarantee that the trial would start in near future, cannot be kept in jail for uncertain period. In such circumstances, the applicant deserves bail. Accordingly, the following order :

Criminal Application is allowed. The applicant – Vikas Umed Nagose, be released on bail on executing Personal bond of Rs. 25,000/- (Rs. Twenty five 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 (BA) No. 412 of 2020 is disposed of accordingly.

In view of the orders passed above, Criminal Application (APPP) No. 548 of 2020 is rendered infructuous and disposed of accordingly.

JUDGE

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