

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

CRIMINAL APPLICATION (BA) NO. 424 OF 2020

(Aansh s/ Rajan Kaithel vs. State of Maharashtra thr. PSO, P.S. Yashodhara Nagar, Nagpur)

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

Court's or Judge's orders.

Shri S.H. Sudame, Shri B.K. Meshram and Shri P.P.
Jamnik, Advocates for the applicant.

Shri I.J. Damle, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 08, 2020.

Heard Shri Jamnik, learned counsel for
the applicants and Shri Damle, learned APP for the
non-applicant – State.

2. The applicant is seeking bail in Crime
No. 9 of 2020 for the offence punishable under
Sections 302, 201, 120(B)(i), 143, 144, 147, 148,
149 read with Section 34 of the Indian Penal Code,
read with Sections 4/25, 4/27 of the Arms Act, read
with Section 135 of the Maharashtra Police Act,
registered by Yashodhara Police Station, Nagpur.

3. Perused the application, affidavit-in-reply
filed on behalf of the non-applicant – State and the
charge sheet, with the assistance of both counsel.

4. At the outset, perusal of affidavit-in-reply filed on behalf of the State, would reflect about applicant's role to the extent that he came to be arrested on the basis of statement of co-accused – Vijay Padole. First Information Report is lodged against eight accused, however, the charge sheet came to be filed against 14 accused. The charge sheet shows recovery of clothes at the instance of the present applicant i.e. clothes one Black Jean Paint and one Ash colour shirt, however, in the statement of the informant, which was recorded on the basis of CCTV footage on 08.01.2020 with the description of all the eight accused persons with their clothes in detail, who were running after the deceased – Sameer, does not include the clothes of the present applicant i.e. Black jean paint and ash colour shirt. The present applicant is stated to have been arrested on the basis of suspicion and the statement of co-accused.

5. Considering the material against the present applicant in the charge-sheet, the applicant deserves bail.

6. In the circumstances, Criminal application is allowed on the following conditions :

(i) The applicant – Aansh s/o Ranjan Kaithel shall be released on bail on executing Personal Bond of Rs.25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

(ii) The applicant shall not issue threats or tamper the prosecution witnesses.

(iii) The applicant shall attend Police Station once in a month on every first Thursday of the month.

Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant for bail and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

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