

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

CRIMINAL APPLICATION (BA) NO.438 OF 2020

(Vaibhav s/o Satish Jadhao Vs. The State of Maharashtra thr. PSO PS Narkhed, Dist.
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 Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th SEPTEMBER, 2020.

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

2] Heard.

3] The applicant is in custody, along with the co-accused – who is the father of the applicant – in connection with Crime 378/2019 registered with Police Station Narkhed, District Nagpur for offence punishable under section 302, 34 of the Indian Penal Code.

4] The incident occurred on 05.06.2019 at 09:30 p.m. The case of the prosecution is that the applicant – who was not armed, and his father who was armed with sword, accosted the deceased when the deceased came to the

village on his two wheeler. The co-accused Satish assaulted the deceased with the sword and when the deceased started running to save himself the present applicant obstructed the access.

5] Shri Thakur would submit that the material on record is not sufficient to implicate the accused even with the aid of section 34 of IPC. In rebuttal, the learned APP Shri Lokhande who opposed the bail, submits that the fact that the applicant accompanied his father, who was armed with sword, and the fact that the applicant prevented the deceased from escaping is sufficient to infer that the applicant share common intention along with his father.

6] The investigation is complete, and the charge-sheet is filed. The applicant is aged 24 years and has no criminal antecedent. It would obviously be a matter of trial whether common intention to kill the deceased was shared. However, considering the relatively young age of the applicant, the fact that he has no criminal antecedent, the fact that he is not a flight risk and that he did not participate in the assault, I am inclined to grant bail.

7] The application is allowed.

8] The applicant be released from custody on furnishing personal bond of Rs.25,000/- with a surety of like amount.

9] Considering the prevailing situation the surety may be furnished within four weeks of the release.

10] The applicant shall not enter the territorial limits of Tahsil Narkhed till the conclusion of the trial, unless specifically permitted by the trial court.

11] The applicant shall not contact any witness nor shall the applicant make any attempt to tamper with the evidence.

12] The applicant shall not leave the country without the permission of the trial court.

13] 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.

JUDGE