

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

**CRIMINAL BAIL APPLICATION NO. 633 OF 2020**  
(Dipak Tukaram Suroshe V/s State of Maharashtra)

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

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Court's or Judge's orders.

Mr. R. K. Tiwari, Advocate a/w Mr. N. S. Deshpande,  
Advocate for the Applicant.

Mr. S. M. Ghodeswar, APP for the State.

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**CORAM : PUSHPA V. GANEDIWALA, J.**

**DATE : NOVEMBER 26, 2020.**

1. Heard Mr. Tiwari, the learned Counsel appearing for Applicant and Mr. Ghodeswar, the learned APP for Non-applicant/State.

2. By the present Application, Applicant is seeking regular bail in Crime No. 183 of 2020 registered with Police Station, Mahagaon, District Yavatmal, for the offence punishable under Sections 302, 201 read with Section 34 of Indian Penal Code and Sections 4 and 25 of the Arms Act.

3. The prosecution case in brief is that, on 2/4/2020, the dead body of one Manoj Wathore was found lying near pandan of Hindu funeral place. There

were injuries on his person. An offence punishable under Section 302 of Indian Penal Code was registered against an unknown person. During investigation, the present Applicant along with two others came to be arrested.

4. The whole case is based on the circumstantial evidence. The present Applicant came to be arrested on the basis of confessional statement of the co-accused Suresh. It is alleged that the present Applicant had given blows with fist and kicks on the back of the deceased Manoj and the main accused Suresh stabbed the deceased with Gupty. Apart from confessional statement of the co-accused Suresh, there are no other connecting links. The witnesses say that they saw the present Applicant at the relevant time near the house of the main accused Suresh. One witness say that she saw the deceased Manoj going towards the house of the main accused Suresh. The weapon Gupty is said to be recovered at the instance of the main accused Suresh.

5. Considering the role attributed against the present Applicant, missing links and the circumstances against him coupled with the fact that the investigation is completed and chargesheet is filed, a case for grant of bail is made out. Hence, the following order.

ORDER

- (A) Criminal Application is allowed.
- (B) The Applicant is released on bail in Crime No. 183/2020 registered with Police Station, Mahagaon, District Yavatmal for the offence punishable under Sections 302, 201 read with Section 34 of Indian Penal Code and Sections 4 and 25 of Arms Act, on his executing PR Bond of Rs. 30,000/- with one surety in the like amount.
- (C) The Applicant shall neither tamper with the evidence so far collected by the prosecution nor pressurize the prosecution witnesses in any manner.
- (D) The Applicant shall attend the concerned police station on first Thursday of every month.
- (E) The Applicant shall not indulge in similar type of offence.

6. It is needless to mention here that the observations made in this Application are strictly viewed for deciding the application of the present Applicant and the trial court shall be at liberty to decide the matter on its merit.

7. Criminal Application stands disposed of accordingly.

**JUDGE**

Yadav VG

**Vijaya  
Yadav**

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by Vijaya Yadav  
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