

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

CRIMINAL APPLICATION (BA) NO. 655 OF 2020

Vijay S/o Pandurang Mandhare

Vs.

State of Maharashtra

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

Shri Amol Hunge, Advocate for the applicant.
Shri H.D. Dubey, A.P.P for the non-applicant/State.

CORAM : PUSHPA V. GANEDIWALA, J.

DATED : DECEMBER 03, 2020.

Heard Shri Hunge, learned counsel for the applicant and Shri Dubey, learned APP for the non-applicant / State.

2. The applicant is said to be arrested on 19/06/2020 in Crime No. 128/2020 registered with Police Station Nagbhid, District Chandrapur for the offence punishable under Sections 302, 450, 143, 147, 148, 149, 323, 324, 504, 506, 506, 186, 188 and 269 of the Indian Penal Code and Section 135 of the Bombay Police Act. The investigation in the matter is completed and the charge-sheet is filed on 03/08/2020. There are 10 accused arraigned in the charge-sheet. The applicant is accused No. 5. Two of the accused are already on bail.

3. The allegations against the present applicant and co-accused are that in order to eliminate Maqbool Pathan who is an antisocial element, the applicant and co-accused formed an unlawful assembly and on

06/05/2020 at about 10.00 O'clock in the night came with sticks in their hands and started beating Maqbool Pathan by means of sticks and ran away. Maqbool Pathan was taken to Rural Hospital, Nagbhid where he was declared dead. The present applicant and the co-accused came to be arrested on 19/06/2020.

4. Perused the application, affidavit-in- reply and the charge-sheet with the assistance of learned both the Counsel.

5. At the outset, there is no specific role attributed to the present applicant for the alleged crime and the statements of witnesses only reflect his presence in the mob with stick but no specific role.

6. The weapon used is stick. At this stage, the prosecution also could not point out any criminal antecedent against the present applicant. His name is not appearing in the First Information Report.

7. Furthermore, co-accused – Rafiq Khalil Sayyad is already released on bail by this Court by order dated 23.11.2020, in Criminal Application (BA) No. 986/2020. The role attributed to the present applicant is not greater than the role attributed the co-accused who is on bail. On the ground of parity, the present applicant is entitled for bail. Hence, I pass the following order :

(i) The applicant – Vijay S/o Pandurang Mandhare be released on bail on executing Personal bond of Rs. 25,000/- with one surety in like amount.

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

(iii) The applicant shall not leave his local jurisdiction without prior intimation to the concerned police station.

(iv) The applicant shall not give threats to the witnesses or tamper with the evidence.

(v) The applicant to attend the 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.

(vi) Needless to say that the aforesaid observations are only for the purpose of deciding this application and the same shall not come in the way of the trial Court to decide the trial.

8. The criminal application is disposed of accordingly.

JUDGE