

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

LD-VC-CRIMINAL APPLICATION (BA) NO. 239 OF 2020

(Prashant Sudhakar Hiwale vs. State of Maharashtra, thr. PSO, Kuhi, 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 Sudeep Jaiswal with Shri Abhiyan Barahate,
Advocates for the applicant.

Shri P.S. Tembhare, APP for the non-applicant –
State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 03, 2020.

Heard Shri Jaiswal with Shri Barahate,
learned counsel for the applicant and Shri Tembhare,
learned APP for the non-applicant – State.

The applicant – Prashant Sudhakar
Hiwale, is said to be arrested in Crime No. 257 of
2019 registered at Police Station, Kuhi, District –
Nagpur, for the offence punishable under Sections
302, 307, 143, 147, 148, 149, 120-B of the Indian
Penal Code, prayed for his release on bail.

The learned counsel for the applicant
vehemently submitted that there is no sufficient
material against the present applicant for the alleged
offence registered against him.

It is submitted that the informant – Suraj

Ramdas Naidu, the alleged eye witness, neither took his name in the First Information Report nor identified the present applicant in the T.I. Parade. The other witnesses by name Chetan @ Sultan Dipak Shiralkar and Kaustubh Puranlal Iwnate, are got up witnesses of the prosecution.

The learned counsel further submits that the applicant is a student of 2nd Year Engineering, without any criminal antecedents. The learned counsel also submits that the statements of the alleged witnesses show that there was tilt of the vehicle by which the injured was carried and, therefore, the possibility of alleged injuries in the medical report, due to the tilt of the vehicle, cannot be ruled out. The learned counsel prayed to release the applicant and he is ready to abide by the conditions imposed on him.

The learned APP appearing on behalf of the non-applicant – State, strongly opposed the application and filed affidavit-in-reply.

The learned APP submitted that there are two eye witnesses by name Chetan and Kaustubh. In their statements recorded under Section 164 of the Criminal Procedure Code, they took the name of the present applicant and they identified them in T.I. Parade. The learned APP further submitted that the applicant has played active role in commission of

serious offence, which resulted into death.

Having considered the submissions made on behalf of both sides and a careful perusal of the statements of the informant by name Suraj Naidu recorded by the police as well as by the Magistrate, name of present applicant is not appearing. The informant also failed to identify the present applicant in the T.I. Parade.

Considering the role attributed to the present applicant and he being a student of Engineering college, without any criminal antecedents and in jail since more than one year, I am inclined to release him on bail by imposing stringent conditions. Hence, the following order :

The applicant – Prashant Sudhakar Hiwale, be released on bail on executing Personal bond of Rs.30,000/- (Rs. Thirty 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 witnesses.

The applicant to attend police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

The trial Court shall not get influenced with the observations made in this order.

The order be communicated to the counsel for the parties either on email address or non Whatsapp or by such other mode, as is permissible in law.

JUDGE

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