

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

CRIMINAL APPLICATION (BA) NO. 1015 OF 2020

Rupendrasingh @ Mickky s/o Balwarsingh Bakshi

Vrs.

State of Maharashtra, P.S.O., P.S. Sadar, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri C.S. Dharmadhikari, Sr. Adv. for the applicant.
Shri S.A. Ashirgade, APP for the non-applicant / State.

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 17, 2020.

Heard.

2 The applicant is seeking bail in Crime No. 388/2019 registered at Police Station Sadar, Nagpur, District Nagpur, for the offence punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and Section 3 of the Maharashtra Control of Organised Crime Act, 1999.

3. The allegation against the present applicant is that he entered into a contract / conspiracy with the main accused i.e. accused No. 2 - Girish Dasarwar to commit murder of the deceased – Rishi Khosala as his wife was having illicit relationship with the deceased – Rishi Khosala. With regard to conspiracy for commission of murder of the deceased, the circumstances as can be culled out from the charge-sheet with the assistance of the

learned both the counsel on behalf of both sides are as under :

(i) The witness – wife of the applicant states that the applicant and she, were residing separately due to the matrimonial dispute and the applicant gave threats of life to her along with Rishi Khosala.

(ii) Witness Pushpendra Pushpa who is a professional detective states that the applicant had a talk with him to keep watch on wife and Rishi Khosala, however, that contract could not be materialized.

(iii) The employee of the applicant by name Vishwajeet Bondade states that accused No. 2 – the main accused – Girish Dasarwar visited the office of the applicant and sat in the cabin of the applicant for sometime.

4. Apart from the above circumstances, the prosecution could not point out any other inspiring link of circumstances to connect the present applicant to the instant crime. The aforesaid circumstances also do not indicate any conclusive link for the present crime.

5. After registration of the crime, offence under the M.C.O.C. Act came to be added against the present applicant. However, the prosecution could not point out as to how the M.C.O.C. Act is made applicable to the present applicant.

6. Furthermore, the prosecution also could not point out as to how the visit of the accused No. 2 – main accused to the cabin of the present applicant would definitely be for the purpose of alleged conspiracy. The employee - Vishwajeet Bondade also does not state about the time and date the main accused visited the office of the applicant.

7. In these circumstances, at this stage, this Court does not find a *prima facie* case of conspiracy for the alleged murder and applicability of the M.C.O.C Act against the applicant.

8. The investigation is completed and the charge-sheet is also filed and the crime chart which the prosecution pointed out is regarding minor offences, unconnected with M.C.O.C. Act and secondly there is a vast time gap between these crimes and the present crime. Therefore, this Court is inclined to grant him bail. Hence, the following order :

(i) The applicant – Rupendrasingh @ Mickky s/o Balwirsingh Bakshi shall be released on bail on executing Personal bond of Rs. 1,00,000/- (Rs. One lakh only) with one or two well known sureties in the like amount.

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

(iii) The applicant shall attend each and every date of the proceedings before the Trial Court.

(iv) 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.

9. 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.

10. The criminal application is disposed of accordingly.

JUDGE

D.S. Baldwa