

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

Criminal Application (BA) 53/2021

Gaurav Gupta V State of Maharashtra

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

Mr. Mir Nagman Ali, Advocate for applicant.
Mr. N. S. Rao, APP for State.

CORAM : ROHIT B. DEO, J.
DATE : August, 12, 2021.

The applicant is seeking bail in connection with Crime 9 of 2020 registered with Police Station Yashodhara, District Nagpur, under Sections 302, 201, 120-B (1), 143, 144, 147, 148, 149 of the Indian Penal Code (for short, 'I.P.C.'), Sections 4/25 and 4/27 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. The crime is registered on the basis of report lodged by Mr. Mohammad Yusuf. Shorn off details, the gist of the report is that the deceased was chased and brutally done to death by 7 to 8 assailants. The report purports to describe the clothes worn by the assailants.

3. The incriminating material pressed in service against the present applicant is the identification by two co-accused, who were shown the C.C.T.V. footage. Notably, the clothes which

are seized pursuant to Section 27 of the Indian Evidence Act memorandum do not match either with the report or the description in the identification panchanama. Prima facie, the only incriminating material appears to be the identification by the co-accused.

4. Two similarly situated co-accused are released on bail by this Court (Coram- Smt. Pushpa V. Ganediwala, J.).

5. On the basis of the facts of the case, and on the principle of parity, the applicant is entitled to bail.

6. This application is allowed subject to the following conditions :-

- (i) The applicant-Gaurav s/o Mohanlal Gupta shall be released on bail on executing Personal Bond of ₹ 25,000/-(Rs. Twenty five thousand only) with one surety in the like amount.
- (ii) The applicant shall not issue threats or tamper the prosecution witnesses.

- (iii) The applicant shall attend Police Station once in a month on every first Thursday of the month.

JUDGE

Deshmukh