

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

CRIMINAL APPLICATION (BA) NO. 73 OF 2021

Shri Shubham s/o Namdeo Bhagat

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri R.R. Rajkarne, Advocate for Applicant.
Mrs. S.S. Jachak, A.P.P. for Non-applicant.

CORAM : VINAY JOSHI, J.
DATED : 31/03/2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. By this application, the Applicant is seeking regular bail in connection with Crime No.387 of 2020 registered at Lakadganj Police Station, district Nagpur for the offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code. The State resisted the bail by filing affidavit-in-reply.

3. At the instance of report dated 01.06.2020 lodged by Police Officer against unknown person, the offence came to be registered. During investigation, co-accused Ramkrushna @ Rama Meshram was arrested and on his statement, the Applicant was apprehended. It is the prosecution case that at the instance of Rama Meshram, the Applicant and one another co-accused Harshal Meshram strangulated deceased Dhiraj @ Bhola Salve. The

entire prosecution case is based on circumstantial evidence. Though it is argued that, the Applicant had threatened to the deceased prior to the occurrence, however, the said incident as stated by mother of the deceased was dated 26.05.2020 whilst incident took place on 01.06.2020. The allegation is that main accused Rama Meshram was having rivalry with the Applicant and therefore, the incident occurred. No motive for the Applicant has been stated by the prosecution. Learned A.P.P. argued that the Applicant has shown the place where after the incident, they have thrown the scarf used as a ligature and mobile phone. Nothing of that sort has been shown. Motorcycle of the Applicant is seized but, there is no co-relation of seized vehicle with the occurrence. Already co-accused Harshal Meshram has been released on bail by this Court. The prosecution is unable to point out any other material to show the complicity of the Applicant.

4. Any how, investigation is complete and charge-sheet has been filed. In the circumstance, the Applicant is entitled for bail, hence the following order :

- (a) The Applicant/Accused – Shri Shubham s/o Namdeo Bhagat be released on bail in connection with Crime No.387 of 2020 registered with Lakadganj Police Station, District Nagpur relating to offence punishable under Sections 302, 201 read with 34 of the Indian Penal Code, on his furnishing P.R. bond of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the prosecution witness in any manner.
- (c) The Applicant shall attend each hearing scheduled before the Court.

5. Criminal Application stands disposed of accordingly.

JUDGE

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