

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL BAIL APPLICATION (BA) NO. 153/2021

Abhishek S/o Jagdish Thakur

-VERSUS-

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

Shri P. S. Jaiswal, Advocate for applicant.
Shri I. Damle, APP for State.

CORAM : VINAY JOSHI, J.
DATE : 22.06. 2021.

Hearing was conducted through Video
Conferencing.

2. The applicant was arrested by the Police Station Kapil Nagar, Nagpur in Crime No. 410/2020 for the offence punishable under Sections 302, 307, 504 and 34 of the Indian Penal Code read with Section 34 of the Indian Penal Code. The grounds of inadequacy of material and parity has been canvassed while claiming bail. The State resisted application by filing reply – affidavit. It is contended that the applicant has stabbed deceased for monetary gain. The offence is of serious nature, hence bail is prayed to be rejected.

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3. On 24.09.2020 in late hours around 10.30 p.m. deceased who was in habit of consuming liquor was passing from the road. Abruptly three unknown assailants accosted him raised monetary demand, and on refusal one of them stabbed deceased who succumbed to the injury after 13 to 14 days. Deceased himself has lodged report regarding occurrence against unknown persons. The Police have arrested in all four accused, out of which three are released on bail. The Trial Court while refusing bail of applicant has assigned the reason that the applicant is the person who has actually stabbed and secondly, there is evidence in the form of CCTV footage.

4. The prosecution case is totally based on circumstantial evidence. The only material which is pointed against the applicant is about seizure of knife and clothes at his instance. A query report is also pressed into serious to show that the injury which was found at the abdomen of deceased was possible by seized knife. The Police have seized one white coloured full slews shirt and black coloured full pant at the instance of accused. Contextually, the learned counsel for the applicant has pointed that the assailant

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who has actually stabbed, was wearing blue colour jeans pant and ash colour T-shirt .

5. The Police have collected CCTV Footage from a nearby nursery. The relevant statement of one Mayur Meshram says that in the CCTV footage image was captured to say that three persons were following deceased and one another came after sometime by two wheeler. At the most, it can be one of the circumstance to establish that the applicant and others have passed soon after the deceased from said public road.

6. The investigation is complete and charge-sheet has been filed. Other co-accused are released on bail. Having regard to the nature of of material collected against the applicant, he can be released on bail by imposing certain conditions. The above findings are recorded only to the extent of deciding bail application, which has no impact on the merits of the bail.

7. In view of above, following order:-

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(I) The application stands allowed.

(I) Applicant Abhishek S/o Jagdish Thakuar is released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one or two sureties in the like amount.

(II) 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 evidence.

JUDGE

Gohane.