

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

CRIMINAL APPLICATION(BA) NO.332 OF 2021

Dhyandeep Suddhodhan Nimsatkar

..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 M.N. Ali, Advocate for Applicant.

Ms. N.P. Mehta, A.P.P. for Non-applicant.

CORAM : VINAY JOSHI, J.

DATED : 07/06/2021

Hearing was conducted through Video Conferencing.

2. The applicant who is arrested in Crime No.1018 of 2019 registered with Wani Police Station, District Yavatmal for the offences punishable under Sections 302, 201, 203 read with 34 of the Indian Penal Code, is seeking regular bail in terms of Section 439 of the Code of Criminal Procedure, after filing of charge-sheet. The State resisted the bail by filing affidavit-in-reply.

3. Learned Counsel for the Applicant has pointed out that other two co-accused are already released on bail. It is a case, totally based on circumstantial evidence. Learned A.P.P. would submit that the Applicant is the main assailant, who dealt repeated stick blows at the person of the deceased.

She has pointed out that there is additional material in the form of extra-judicial confession and recovery at the instance of the applicant and therefore, he is not entitle for bail. After the occurrence, the applicant and one another co-accused namely Sandesh Tikhat have admitted the deceased in the Hospital stating that the deceased sustained accidental injuries. Admittedly, there is no eye-witness to the occurrence. Bare perusal of extra-judicial confession which is basically a weak type of evidence postulate that after long gap, the statement of Nikhil Khaire to whom extra-judicial confession has been made, came to be recorded.

4. True, there is discloses statement allegedly made by the Applicant before the Police. Besides alleged seizure of Bamboo sticks and cloths, there is no other material. Already investigation is complete and charge-sheet has been filed. The trial will take considerable time for its conclusion.

5. Having regard to all these circumstances, the Applicant can be released on bail by imposing certain conditions, hence, the following order :

(a) The Criminal Application is allowed.

(b) The Applicant Dhyandeep Suddhodhan Nimsatkar is released on bail in connection with the Crime No.1018 of 2019 registered with Wani Police Station, District Yavatmal

for the offences punishable under Section 302, 201, 203 read with 34 of the Indian Penal Code on his executing P.R. bond of Rs.25,000/- with one or two 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 evidence, in any manner.

JUDGE

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