

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

CRIMINAL APPLICATION (BA) 532 OF 2021

(Gaurav @ Nikky s/o. late Shailendra Gaikwad..vs.. State, thr PSO, PS Mankapur, Nagpur)

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

Court's or Judge's orders.

Mr. D.N. Dixit, counsel for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:10.08.2021.

Heard.

2. The applicant is implicated in Crime 395/2020, registered with Police Station Mankapur, Nagpur, for offence punishable under section 302 of Indian Penal Code and is in custody since 17.10.2020.

3. The learned counsel Mr. D.N. Dixit would submit that the applicant has no criminal antecedents, that the statement of the two alleged witnesses do not inspire confidence, and at any rate, the possibility of the fall on the stone being the cause of death, is not excluded.

4. The incident allegedly occurred on 16.10.2020. The applicant came to be arrested on 17.10.2020 and the

statements of the two witnesses are recorded on 19.10.2020. Be that as it may, one of the two eye witnesses states that after the applicant hit the deceased on the head with a wooden stick, the deceased fell down and his head struck a stone. To certain extent, this version is prima facie substantiated by the presence of a stone of size 29 c.m. x 24 c.m. x 7 c.m., which was noticed on the scene of occurrence and which had bloodstains.

5. Considering that the applicant has no adverse antecedents and it is not even the case of the prosecution that he poses a flight risk, I am satisfied that the applicant has made out a case for grant of bail.

6. The application is allowed.

7. The applicant be released on bail in connection with Crime 395/2020, registered with Police Station Mankapur, Nagpur, for offence punishable under section 302 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent

surety of the like amount.

8. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.

9. The applicant shall not leave the country without the permission of the trial Court.

Judge

Belkhede