

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

CRIMINAL APPLICATION (BA) 518 OF 2021

(Abhisheikh s/o. Virendra Choudhari..vs.. State, thr PSO, PS Yashodhara Nagar, Nagpur)

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

Court's or Judge's orders.

Mr. Parag Ukey, counsel for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:09.07.2021.

*Hearing was conducted through video conferencing
and the learned counsel agreed that the audio and
visual quality was proper.*

Heard.

2. The applicant is arraigned as accused in Crime
692/2020, registered with Police Station, Yashodhara
Nagar, Nagpur for offences punishable under sections 302,
109, 201 read with section 34 of Indian Penal Code.

3. The prosecution case is that in the night
intervening 18.9.2020 and 19.9.2020, precisely 1.15 a.m.,
the deceased Mr. Subodh was done to death by Mr. Pranay
@ Golu, Mr. Sagar and the applicant Abhishekh. The
motive alleged is the misbehaviour of the deceased with the
mother of Mr. Pranay @ Golu.

4. The sole eye-witness to the incident is Mr. Khumesh Sahu, who states that he saw Mr. Pranay @ Golu and Mr. Sagar Parimal inflicting blows with sharp weapon and assaulting with fists. The additional role which is attributed to the applicant is that he exhorted the co-accused to kill Mr. Subhodh.

5. Mr. Parag Ukey, the learned counsel would submit that the presence of the applicant and at any rate, the involvement, is doubtful. Mr. Parag Ukey submits that Mr. Khumesh Sahu was allegedly present at the scene of occurrence, it was he, who gave the information to the police control room and even according to him, the police immediately made inquiries at the scene of occurrence. Mr. Parag Ukey submits that the fact that the said witness has named the applicant on 20.9.2020, is sufficient to take the statement with a pinch of salt.

6. In rebuttal, Ms. T.H. Udeshi, the learned APP would submit that the motorcycle on which accused 1 and

the applicant left the scene of occurrence, is seized. Ms. T.H. Udeshi would further submit that the clothes of the applicant which are seized show blood like stains.

7. In response to a specific query, Mr. Parag Ukey states that the applicant has no criminal antecedents. Ms. T.H. Udeshi states that she has no instructions to the contrary.

8. Considering the role attributed to the applicant, the nature of the evidence and the fact that there are no criminal antecedents, in my considered view, the applicant is entitled to bail.

9. The applicant be released on bail in connection with Crime 692/2020, registered with Police Station, Yahodhara Nagar, Nagpur for offences punishable under sections 302, 109, 201 read with section 34 of Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

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

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

Judge

Belkhede