

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

CRIMINAL APPLICATION (BA) NO. 521 OF 2021

(Raju s/o Tulsi Yadav ..vs.. State of Maharashtra, through PSO, PS Nandanvan, Nagpur)

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

Court's or Judge's orders

Mr. S. Singha, Counsel for the applicant,
Mr. N.S. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 05-07-2021

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

2. The applicant is seeking bail in connection with Crime 51/2011 registered with Nandanvan Police Station, Nagpur for offences punishable under Sections 109, 120-B, 201, 302 read with Section 34 of the Indian Penal Code, Sections 4 and 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

3. The deceased girl was brutally done to death and it is proved in the trial of the co-accused that she was mistakenly identified as the girl who was to be killed.

4. The applicant absconded and the trial proceeded against the co-accused. The co-accused Krunal, Pradeep, Umesh and Shrikant were convicted and sentenced to life imprisonment by the learned Sessions Court. The

convicts preferred Criminal Appeal 205/2015 which is dismissed by this Court vide judgment dated 18-8-2017.

5. In my considered view, the applicant, who came to be arrested after the judgment of the learned Sessions Judge, and against whom supplementary charge-sheet is filed, deserves no indulgence.

6. The fact that the applicant absconded for more than five years and could be arrested only after the conclusion of the trial which led to the conviction of the co-accused, is reason enough for rejection of bail.

7. Even on merits, there is more than ample material on record to *prima facie* connect the applicant with the crime.

8. The application is dismissed.

JUDGE

adgokar