

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

Criminal Application (BA) No. 565 of 2021

[Vijay s/o Ambadas Rathod ..vs.. State of Maharashtra through P.S. M.I.D.C. Akola, Tq. and
Dist. Akola]

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

Court's or Judge's orders

Mr. N. R. Tekade, Advocate for the applicant
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 01-09-2021

The applicant is seeking bail in connection with Crime 427/2020 registered with Police Station, M.I.D.C., Akola for the offences punishable under Sections 302, 394, 120(B), 212 and 201 read with Section 34 of the Indian Penal Code and Sections 3/25, 5/27(1) and 7/27(3) of the Arms Act.

2. The prosecution case is that deceased Gopal Agrawal was proceeding on his motorcycle from his factory premises to Akola City on motorcycle ridden by witness Rajesh Bhange. The applicant, who was driving a motorcycle and pillion rider Sagar followed the deceased, and the pillion rider attempted to snatch the bag containing cash. The deceased attempted to flee

from the spot. He was later on found injured, some distance away and succumbed later. The case of the prosecution is that pillion rider Sagar chased the deceased and shot him to death.

3. The applicant is not named either in the report lodged by Rajesh Bhange or the supplementary statement. Notably, it was Rajesh Bhange who was riding the bike and the deceased was the pillion rider. Unfortunately, there is no test identification done, with the result, that the only material, if at all, against the applicant appears to be the recovery and statement/disclosure of co-accused Sagar.

4. Learned Additional Public Prosecutor Mrs. K. R. Deshpande fairly states that while cash of Rs. 88,000/- and the bag which is snatched from the deceased are recovered at the behest of the applicant, there is no supplementary statement recorded which identifies the recovered bag as the bag which was in possession of the deceased.

5. The investigation is absolutely shoddy and this Court hopes that the Superintendent of Police, Akola shall take appropriate remedial and administrative action in the matter. Insofar as the entitlement to bail is considered, considering the material, or lack thereof, the applicant is entitled to bail.

6. The application is allowed subject to the following conditions.

(a) The applicant be released on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

(b) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

(c) The applicant shall not leave the country without the permission of the jurisdictional Court.

7. The Registry shall ensure that the copy of this order is forwarded to the Superintendent of Police,

Akola, the Inspector General of Police of the concerned range and the Director General of Police, State of Maharashtra within the next 7 days.

JUDGE

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