

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

CRIMINAL APPLICATION (BA) 619 OF 2021

(Shri Suraj s/o. Somraj Masram..vs..State, thr PSO, PS Kondhali, Kondhali, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. Harish Dangre, counsel for applicant.
Mr. M.K. Pathan, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:05.08.2021.

Heard.

2. Crime 234/2020 is registered with Kondhali Police Station, Dist. Nagpur, for offences punishable under sections 143, 144, 147, 148, 149, 323, 324, 326, 307 and 302 read with section 34 of Indian Penal Code and the applicant is one of the six accused implicated on the allegation of forming an unlawful assembly and causing death of Mr. Pravin.

3. The learned Sessions Judge was pleased to grant bail to as many as four accused on the premise that their role in the assault is restricted to use of fists. The applicant Suraj Masram is denied bail on the premise that Suraj inflicted a blow with stick on the head of Mr. Pravin, which

resulted in death.

4. The alleged incident occurred on 29.5.2020 and the genesis is the perception of co-accused Kishor Kaurati that the first informant Mr. Shankar Pawar was driving his vehicle rashly. Kishor confronted Mr. Shankar Pawar, the other accused arrived at the scene, and a physical altercation ensued, and initially it was the complainant Mr. Shankar, who was assaulted. In the midst of the altercation, Mr. Pravin, who is the younger brother of Mr. Shankar, and Mr. Shyamnath intervened only to be targeted by the accused. Mr. Pravin allegedly was dealt a blow on the head with stick and was admitted initially to Taori Hospital and shifted to Government Medical College, Nagpur, the next day. Mr. Pravin was admitted at Government Medical College, Nagpur from 30.5.2020 till 26.6.2020 and then shifted to a private hospital where he succumbed on 16.7.2020.

5. I am inclined to grant bail and while it would not be appropriate to minutely examine the material on record, since brief reasons will have to be indicated, there are three

circumstances which impel me to exercise discretion in favour of the applicant.

6. The first circumstance is that there is absolutely no explanation on record for the delayed First Information Report. While it is true that the effect and implication of the delay would be for the trial Court to address, prima facie, the seven days delay in lodging the First Information Report, is unexplained. The second circumstance is that, taking the prosecution case at face value, there was an altercation and role attributed is inflicting a single blow with stick, albeit on the vital part. The third circumstance is that the applicant has no criminal antecedents and even according to the prosecution, he does not constitute a flight risk. Needless to record every observation is a prima facie observation made for the limited purpose of deciding entitlement to bail.

7. The application is allowed.

8. The applicant be released on bail in connection with Crime 234/2020, registered with Kondhali Police Station, Dist. Nagpur, for offences punishable under

sections 143, 144, 147, 148, 149, 323, 324, 326, 307 and 302 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.

9. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him or her from disclosing such facts to the Court.

10. He shall not tamper with the prosecution evidence and shall not involve himself in any other crime

11. The applicant/accused shall remain present in the trial Court on each and every date, till conclusion of trial.

Judge

Belkhede