

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

CRIMINAL APPLICATION (BA) 617 OF 2021

(Sandeep s/o. Prakash Bagade..vs..State, thr PSO, PS Katol, 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. C.R.Thakur, counsel for applicant.
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:26.07.2021.

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

Heard.

2. The applicant is seeking bail in connection with Crime 577/2020, registered with Police Station Katol, Dist. Nagpur, for offence punishable under section 302 read with section 34 of Indian Penal Code.

3. The applicant is in custody since 28.9.2020, the investigation is complete and the chargesheet is filed.

4. The case of the prosecution is, and according to the prosecution, the 7 years old daughter of the applicant is an eye witness, that the applicant was provoked since the deceased, who is his father, abused his mother filthily, that

the applicant dealt a solitary blow on the head of the deceased, with an Axe.

5. Considering the overall material and circumstances, I am inclined to grant bail.

6. However, the only eye witness is the daughter of the applicant. The prosecution apprehends that if granted bail, the eye witness shall stand compromised. The eye witness is residing with the mother of the applicant, who is also a co-accused since she is charged under section 201 of Indian Penal Code. In that sense, the eye witness is already compromised.

7. Be that as it may, the apprehension of the prosecution can be allayed by directing the applicant not to enter the territorial limits of the Katol Taluka till all material witnesses are examined in the trial. The material witnesses shall include the eye witness and the Police Patil – informant, who alleges that the applicant confessed the guilt.

8. The application is allowed on the following conditions:

(i) The applicant be released on bail in connection with Crime 577/2020, registered with Police Station Katol, Dist. Nagpur, for offence punishable under section 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;

(ii) The applicant shall not enter the territorial limits of Katol Taluka unless all the material witnesses are examined in the trial;

(iii) The applicant shall not make any attempt to influence his minor daughter who according to the prosecution is the eye witness;

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

(v) The applicant shall not leave the country without the permission of the trial Court.

Judge