

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

CRIMINAL APPLICATION (BA) NO.674 OF 2021

(Parikshit s/o Prakash Harash Vs. The State of Maharashtra thr. PSO PS Gittikhadan,
Nagpur)

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

Court's or Judge's orders.

Ms. Rakhi Sarkar, Appointed Advocate for Applicant.
Mrs. K.R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 9th AUGUST, 2021.

Heard.

2. The applicant is seeking bail in Crime 355/2018 registered with Police Station Gittikhadan, Nagpur for offence punishable under section 302 read with section 34 of the Indian Penal Code.

3. The prosecution case is that the deceased Manoj Singh Bundel was brought home in an injured condition. On 05.08.20218 he was allegedly assaulted with fists and sticks, he was admitted in the hospital where he succumbed on 10.08.2018.

4. I have perused the material in the charge-sheet. One Mahesh Masram is the alleged eye witness who states that he saw Rahul and three others assaulting Manoj Singh.

However, there is no test identification parade conducted as would link the applicant with the assault. Witness Kunal, whose statement is recorded under section 164 of the Criminal Procedure Code, 1973 (Code) has not witnessed the assault. However, Kunal claims that the injured Manoj Singh disclosed that he was assaulted by Rahul and his friends.

5. I have not come across any material in the charge-sheet, as would *prima facie* establish the identity of the applicant as one of the three friends of Rahul who participated in the assault. In this view of the matter, notwithstanding that the applicant is facing a similar prosecution, I am inclined to grant bail.

6. The applicant be released on bail in connection with Crime 355/2018 registered with Police Station Gittikhadan, Nagpur for offence punishable under section 302 read with section 34 of the Indian Penal Code on executing personal bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.

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

8. The applicant shall not leave the country without

the permission of the trial Court.

9. The application is allowed in the aforestated terms.

10. The fees of the learned appointed Advocate Ms. Rakhi Sarkar be quantified and paid in accordance with rules.

JUDGE