

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

Criminal Application (BA) No. 679 of 2021

[Tejas S/o Digambar Shende ..vs.. State of Maharashtra through P.S.O. P.S. Hudkeshwar, Nagpur]

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

Court's or Judge's orders

Mr. A. P. Wagh, Advocate for the applicant
Ms. T. H. Udeshi, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 28-07-2021

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 0545/2020 registered with Hudkeshwar Police Station, Nagpur for the offences punishable under Sections 302, 307, 504 and 506(B) read with Section 34 of the Indian Penal Code.

3. The prosecution case is that the deceased Mr. Akhilesh Mishra used to assist his brother Mr. Umesh Mishra in the catering business.

4. Mishra brothers undertook the catering work at a marriage reception at Dange Lawn.

5. Altercation allegedly ensued between the deceased and the three accused. The issue was, according to the prosecution, the misbehaviour of the three accused who were under the influence of liquor. The accused allegedly made an issue of belated payment to workers, heaped abuses and ultimately, accused Rohit inflicted several stab wounds on Mr. Akhilesh Mishra, which proved fatal.

6. Insofar as the applicant is concerned, the witnesses, and one of them is Mr. Om Mishra, who is the nephew of the deceased and who also suffered stab injury when he attempted to rescue his uncle, states that the applicant facilitated the commission of the offence by holding the hand/s of the deceased. The version in the first statement of the injured Mr. Om Mishra, which is recorded on 27-12-2020, however, attributes no role to the applicant of holding the hand/s of the deceased, much less, to facilitate the assault.

7. Considering the nature of the material on record, the role attributed to the applicant and the fact that the applicant has no adverse antecedents and is not shown to be a flight risk, I do not see any reason to continue the incarceration since the investigation is complete and the charge-sheet is filed. The application is allowed.

8. The applicant be released on bail on furnishing PR bond of ₹ 15,000/- (Rupees Fifteen Thousand) with solvent surety of like amount on following conditions.

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

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

9. The application is disposed of in the aforestated terms.

JUDGE