

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

CRIMINAL APPLICATION (BA) NO.705 OF 2021

(Dinesh Kumar Munnalala Vs. State of Maharashtra thr. PSO PS MIDC, Nagpur)

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

Court's or Judge's orders.

Mr. S.A. Dupare, Advocate for Applicant.
Mr. N.R. Rode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 30th AUGUST, 2021.

The applicant is seeking bail in connection with Crime 80/2021 registered with Police Station MIDC, Nagpur for offences punishable under sections 302, 506 read with section 34 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 19.02.2021 lodged by Vikrant Prasad.

3. The prosecution case is that the deceased Sambharu, who is related to Jayprakash Sanjiva, a Contractor executing work concerning the Nagpur Metro, asked the applicant and the co-accused to report for night duty. The applicant and the co-accused refused to report for night duty, an altercation ensued and while the co-accused assaulted deceased Sambharu by fists blow, the applicant Dinesh Kumar Munnalala inflicted stab wounds with knife and Sambharu succumbed to the injuries caused by the knife blow/s.

4. While the co-accused are released on bail, indulgence is not shown by the Sessions Judge to the applicant, and for just reasons.

5. The role of the applicant is that of the main assailant. It is the knife assault which caused death. The evidence on record, including the statement of witnesses, is *prima facie* overwhelming. The weapon is recovered at the instance of the applicant. The applicant is a permanent resident of the State of Uttar Pradesh and the apprehension of the prosecution that the applicant may not be available to face the trial, is not unfounded. More importantly, considering that the applicant and some of the witnesses appear to have close association and a shared camaraderie, the likelihood of the witnesses being influenced, again cannot be excluded.

6. No case is made out for exercise of discretion.

7. The application is dismissed.

JUDGE