

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

Criminal Application (BA) No. 847 of 2021

[Dinesh S/o Baburao Sawarkar ..vs.. State of Maharashtra through PSO Jalalkheda, 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. O. K. Masurke, Advocate for the applicant
Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 06-09-2021

The applicant is seeking bail in connection with Crime 15/2021 registered with Police Station, Jalalkheda, District Nagpur for the offences punishable under Sections 302, 147, 148 and 149 of the Indian Penal Code.

2. The case of the prosecution is that on 17-1-2021, co-accused Gaurav, Vicky and Shrawan stabbed to death Sharad Chaple.

3. The role attributed to the applicant is that he held Sharad and facilitated the assault.

4. Two submissions are canvassed. The first submission is that Kalpana Sawarkar, who is attributed

similar role, is granted bail by this Court and the other submission is that the applicant is falsely implicated. In support of the latter submission, my attention is invited to the statement of eye witness Wasudeo Revatkar, who does not make any reference to the presence of the applicant much less role in the assault. Wasudeo Revatkar states that it was Gaurav who was stabbing Sharad and that Ratnakar Sawarkar and Kalpana Sawarkar and Vicky Sawarkar were holding Sharad. It is emphasized that Wasudeo Revatkar has not attributed any role to the applicant and indeed he is not speaking of the presence of the applicant at the scene of occurrence.

5. In rebuttal, learned Additional Public Prosecutor Mr. Rao submits that other eye witnesses i.e. the mother and sister of the deceased have said that the applicant was also holding Sharad and he facilitated the assault.

6. Considering the material on record, a case for bail is made out, particularly, since the applicant has no adverse antecedents and is not shown to be a flight risk.

7. The application is allowed subject to the following conditions.

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

(b) The applicant shall, within 48 Hours of release from custody, furnish the current address, cell number/s and any other relevant details by placing on record of the jurisdictional Court an appropriate praecipe and shall scrupulously update this information in case of any change.

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

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

JUDGE