

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

CRIMINAL APPLICATION (BA) NO.859 OF 2021

(Surajsingh s/o Shivprasad Singh Chavhan Vs. The State of Maharashtra thr. PSO PS
Kanhana, 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. R. M. Daga, Advocate for Applicant.
Mr. N. S. Rao, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 7th SEPTEMBER, 2021.

The applicant is seeking bail in connection with Crime 246/2020 registered with Police Station Kanhana, District Nagpur for offences punishable under sections 302, 143, 144, 146, 147, 148, 149, 341 of the Indian Penal Code.

2. The applicant is arraigned as accused-3 along with six others.

3. The incident occurred on 01.06.2020. The prosecution case in brief is that while the deceased and witness Akram were proceeding to their respective residences from factory on a separate motor-cycle, the accused accosted them, two co-accused assaulted the deceased Raju with sword and knife and two including the applicant held Raju in order to facilitate the offence.

4. In so far as the role attributed to the applicant is concerned, the version appears to be consistent.

5. While the prosecution has invoked section 149 of the Indian Penal Code, it would be appropriate if the trial Court decides on the basis of the evidence on record whether the common object was to eliminate the deceased and, of course whether the applicant was a member of an unlawful assembly knowingly and was aware of the common object.

6. Be that as it may, considering the limited role attributed to the applicant and the fact that he has no criminal antecedents, I am inclined to grant bail.

7. The applicant be released on furnishing PR bond of Rs.16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount.

8. The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

9. The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE