

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

CRIMINAL APPLICATION (BA) NO.862 OF 2021

(Raju Mohanlal Varma Vs. The State of Maharashtra thr. PSO PS Sadar, Nagpur)

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

Court's or Judge's orders.

Mr. U. P. Dable, Advocate for Applicant.
Mrs. K. R. Deshpande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 4th OCTOBER, 2021.

The applicant is seeking bail in connection with Crime 16/2021 registered with the Sadar Police Station, Nagpur for offences punishable under sections 302, 307, 120-B read with 34 of the Indian Penal Code (IPC).

2. Akshay Nirmale was allegedly brutally assaulted by the four co-accused with sharp edged weapons. Akshay did make an attempt to escape the assault. He was chased and done to death. The postmortem report reveals as many as seventy one injuries.

3. While the crime is indeed heinous, the applicant is entitled to bail, considering the material on record.

4. The applicant is implicated on the premise that he is a co-conspirator. The applicant was not, even according to the prosecution, present at the scene of the

occurrence. It appears that the applicant was allegedly assaulted by the deceased prior to the incident, which culminated in NCR 806/2020 being registered against the deceased, on the complaint lodged by the applicant. The prosecution alleges that the brutal murder of 12.01.2021, is the fall out of the said incident. The other incriminating material which is pressed in service is the statement of a witness who alleges that she heard one of the co-accused uttering that the cause of the murder is the previous altercation between the deceased and the applicant.

5. The applicant has no criminal antecedents. While it would ultimately be for the trial Court to consider the angle of conspiracy, at this stage, the material on record appears to be a bit fragile.

6. The application is allowed.

7. The applicant be released from custody subject to the following conditions:

- (i) The applicant shall execute the personal bond of Rs.16,000/- (Rupees Sixteen Thousand only) with one solvent surety of the like amount.
- (ii) The applicant shall not make any attempt to influence the witnesses, directly or indirectly.

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

JUDGE

NSN