

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

CRIMINAL APPLICATION (ABA) NO. 566 OF 2021

Ganesh s/o Harishchandra Karale

..vs..

State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri R.M. Daga, Advocate for applicant.

Shri A.M. Kadukar, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATED : 15/09/2021

Heard.

2. In nut-shell, it is the prosecution case that at the time of occurrence, co-accused Sagar Kothale and Vijay Rathod had fired from country made revolver (Desi Katta) to Gopal Agrawal, who died by bullet injury.

3. According to the prosecution, another co-accused Pankaj Raundalkar has supplied revolver to the assailant who in turn used the said revolver. So far as, the applicant Ganesh Karale is concerned, it is alleged that co-accused Pankaj Raundalkar procured the revolver from Ganesh Karale.

4. Perused the affidavit-in-reply which does not point out any material to show that co-accused Pankaj Raundalkar brought revolver from Ganesh Karale.

Besides, mere allegation on *prima facie* basis, there is no material to specify the connection and role of the applicant in the crime.

5. Having regard to the nature of accusation, applicants' liberty can be protected by directing him to join the course of investigation. In view of that, following order is passed :

- (a) Criminal Application stands allowed and disposed of.
- (b) Ad-interim order dated 01.09.2021 is hereby made absolute upon same terms and conditions.
- (c) The applicant shall attend concerned Police Station as and when called.
- (d) The Applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

JUDGE

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