

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

Criminal Application (BA) No. 927 of 2021

[Satyendra Singh s/o Paramhans Singh ..vs.. State of Maharashtra through P.S.O., Rajura P.S.,
Dist. Chandrapur]

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

Court's or Judge's orders

Mr. R. K. Tiwari, Advocate for the applicant
Mr. N. R. Rode, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 24-09-2021

Mr. Raju Yadav who was an office bearer of an association of coal contractors was shot dead at or around 6.30 p.m. on 31-1-2021 at the hair cutting saloon of witness Shankar.

2. The nephew of the deceased, Shri Deepak Yadav lodged report on 31-1-2021 naming Chandan Singh and the present applicant Satyendra Singh as the assailants. The accused were arrested on 1-2-2021.

3. The investigating agency has recorded statements of three witnesses on 2-2-2021 in which the clothes allegedly worn by the accused are described. The investigating agency has further recorded the statement

of Assistant Police Inspector (API) Mr. Sunil Zurmure who states that he chased the accused and describes the clothes of the accused, although the said witness could not apprehend the accused. This statement is recorded on 6-2-2021 although API Sunil Zurmure is attached to the police station at which the crime is registered.

4. I have perused the material in the charge-sheet and the reasons recorded by the learned Sessions Judge who rejected the bail.

5. The only incriminating material pressed in service against the present applicant is that at the time of arrest, he was wearing clothes, to wit an orange dupatta and a sky blue shirt with box design, which correspond with the description given by the witnesses.

6. While I am not inclined to minutely examine the material on record, lest there is some prejudice either to the accused or to the prosecution, a case for bail is made out since the statement of API who claims to have chased the accused and whose description of the clothes may

have otherwise been a material circumstance, is recorded inexplicably belatedly. I note that when the statements of three witnesses referred to supra were recorded, the clothes which were worn by the arrested accused were known to the investigating agency and at any rate, there is no attempt made by the investigating agency to show the clothes worn by the accused to the alleged eye witnesses in order to bring on record a slightly more reliable incriminating material.

7. Be that as it may, the investigation is complete and while the accusation against the applicant is that he accompanied accused 1 Chandan Singh at the scene of the crime, and Chandan Singh fired the shots which killed Raju Yadav, considering the nature of the material on record, I am inclined to grant bail.

8. Learned Additional Public Prosecutor Mr. Rode does point out that the applicant is facing one prosecution under Section 324 of the Indian Penal Code (IPC) vide Crime 352/2019 registered on 2-7-2019 at Police Station, Rajura. Considering the material in the

present crime, I am not inclined to reject the bail only on the ground that the prosecution under Section 324 of IPC is pending against the applicant.

9. The application is allowed.

10. The applicant be released on bail in Crime 51/2021 registered with Police Station, Rajura, District Chandrapur for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code and Sections 7 and 27 of the Arms Act, on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount on following conditions.

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

(b) The applicant shall not leave the country without the permission of the jurisdictional Court.

JUDGE