

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

CRIMINAL APPLICATION (BA) NO.961 OF 2021

(Karan s/o Manohar Madavi 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. C. R. Thakur, Advocate for Applicant.
Mr. M. K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 28th SEPTEMBER, 2021.

The applicant is seeking bail in Crime 519/2020 registered with Police Station Sadar, Nagpur for offences punishable under sections 302 and 326 read with 34 of the Indian Penal Code.

2. The crime is registered on the basis of report dated 04.12.2020 lodged by the brother of the deceased.

3. The gist of the prosecution case is that on 03.12.2020 at 11:00 a.m. there was an altercation between Akshay Fulsunge, who is a friend of the informant, and Amman @ Bunty Qureshi in front of the Forest Office, Seminary Hills, Nagpur. Since Akshay Fulsunge and the elder brother of Amman @ Bunty Qureshi are friends, the rival groups met at 09:00 p.m. on 03.12.2020 to put a quietus to the dispute and during the course of the talks, there was an altercation between Tushang Piley, also a friend of the informant, and the members of the other

group. The case of the prosecution is that thereafter the group of the informant decided to meet Abid Qureshi who they knew frequented a place near the Dargaha at Goa colony. The informant and several others proceeded to Goa colony at 09:45 p.m. on their respective motorcycles. Yuvraj and Gulshan were riding one motorcycle and the others followed. The case of the prosecution appears to be, that out of the blue Karan Madavi, Soheli Ali and Anshul Singh emerged from an alley, while co-accused Anshul Singh allegedly pushed Gulshan from the motorcycle, co-accused Soheli Ali delivered a knife blow on the neck and the applicant Karan Madavi delivered a blow with a rod. The group of the informant fled leaving Gulshan lying on the spot in an injured state. The residents of Goa colony admitted him to the hospital where Gulshan succumbed.

4. In so far as the injury suffered, the autopsy report is that injury 1, which the prosecution attributes to Soheli, was sufficient in the ordinary course to cause death. The prosecution case appears to be that the blow inflicted by the applicant caused injury 2 on the forehead. However, the said injury was not apparently grievous in as much as there was no fracture or serious damage to the skull or any other vital organ.

5. The investigation is complete and the charge-sheet is filed. The applicant has no antecedents, I am consciously not examining the material on record minutely. However, the version of the informant that they proceeded

to Goa colony in order to make peace is not consistent with the version of the witnesses that they saw the accused riding triple seat on motorcycle and then attempted to follow the accused.

6. The learned counsel for the applicant undertakes, and states, on instructions, that to allay the apprehension of the prosecution that the applicant's presence in Nagpur may lead to further law and order problem, the applicant shall reside at Wadsa till the conclusion of the trial.

7. Be that as it may, considering the role attributed to the applicant, I am inclined to grant bail.

8. The application is allowed.

9. The applicant be released on bail on furnishing personal bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety of the like amount.

10. The applicant shall leave Nagpur District within forty-eight hours of release and shall reside within the territorial limits of the Wadsa till the conclusion of the trial. The applicant is permitted to enter the territorial limits of Nagpur only to attend the dates of hearing, between 06:00 a.m. to 10:00 p.m. on the hearing dates. It is made abundantly clear that even a single breach of this condition shall entail cancellation of bail.

11. The applicant shall report at the Wadsa Police Station within the next seventy-two hours and shall furnish to the Station Officer the address at Wadsa and the cell phone numbers.

12. The applicant shall report at Wadsa Police Station on every Monday of the week between 10:00 a.m. to 12:00 p.m. and shall obtain acknowledgment of attendance in a diary maintained for that purpose.

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

14. The applicant shall not leave the country without the permission of the trial Court.

15. At the request of the learned counsel Mr. Thakur Hamdast of this order be issued in the name of the Police Station Officer, Police Station Wadsa in addition to the regular Hamdast.

16. The application is disposed of accordingly.

JUDGE