

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

CRIMINAL APPLICATION (BA) NO. 971 OF 2021

(Vishal Rajendra Padole ..vs.. State of Maharashtra, through PSO, PS Jaripatka, Nagpur)

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

Court's or Judge's orders

Mr. B.L. Borikar, Counsel for the applicant,
Mr. N.S. Rao, Addl.P.P. for the non-applicant/State.

CORAM : ROHIT B. DEO, J.

DATED : 29-09-2021

The applicant is amongst the eleven accused including a juvenile-in-conflict, who allegedly assaulted the informant Shubham and his maternal uncle Jagdish Madne. The motive alleged is an altercation which ensued between Jagdish Madne and one Dhanraj Bawane, who allegedly set up his meat shop in front of the residence of Jagdish.

2. Shubham suffered an injury to the hand. Jagdish was dealt a solitary blow on the buttock. The prosecution case is that Jagdish succumbed due to excessive bleeding.

3. According to the eyewitnesses, co-accused Raju Katre and Akash Rajpoot arrived at the scene along with their associates. The actual assault is attributed to Raju Katre and one unnamed associate. No identification parade is conducted qua the applicant, is the statement of the learned Additional Public Prosecutor Mr. N.S. Rao

made on instructions. While the prosecution claims that the applicant was seen in the CCTV footage, the role played is blurred. In any event, no panchanama appears to have been prepared after the CCTV footage was viewed.

4. In my considered view, the applicant has made out a case for bail. It is not the case of the prosecution that the applicant has criminal antecedents. The applicant is not likely to pose a flight risk. The prosecution alleges conspiracy to commit murder. It would be for the trial Court to look into the angle of conspiracy since it would only be after the recording of evidence that any finding can be rendered on the existence of conspiracy and the offence which the accused intended to commit.

5. At this stage, further detention in custody would only be a pre-trial punishment.

6. The application is allowed.

7. The applicant shall be released on bail on executing personal bond of Rs.25,000/- with a solvent surety of like amount.

8. The applicant shall report at the concerned police station on the 1st and 15th day of every month and shall obtain acknowledgment/confirmation of attendance in a

diary separately maintained for that purpose. Any breach of this condition may *ipso facto* entail in cancellation of bail, if an appropriate motion is moved by the State.

9. While on bail, the applicant shall not indulge in any criminal activity and breach of this condition shall *ipso facto* entail in cancellation of bail, if an appropriate motion is moved by the State.

10. The applicant shall not make any attempt to contact muchless influence any witness and shall not enter the territorial limits of Jaripatka Police Station, Nagpur, save and except to mark the attendance or to attend the dates of hearing.

11. The applicant shall scrupulously attend every date of hearing and any default, unless condoned by the trial Court, shall entail in cancellation of bail.

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

JUDGE

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