

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

Criminal Application (BA) No. 977 of 2021

[Govind S/o Bhagwat Dongre ..vs.. State of Maharashtra through P.S.O., Sonegaon P.S., Nagpur]

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
Mrs. K. R. Deshpande, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 27-09-2021

The applicant is arraigned as accused 3 in Crime 30/2021 registered with Police Station, Sonegaon, Nagpur for the offences punishable under Sections 143, 147, 148, 149, 120-B, 201, 302, 307 and 323 of the Indian Penal Code, Section 4 read with Section 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

2. Nilesh Naidu, who was on bail in connection with an offence of robbery, was allegedly assaulted by Mayur Sherekar and his associates with sharp edged weapons, at the open space in front of Nitya Apartment Scheme within the jurisdiction of Police Station, Sonegaon. The alleged incident occurred on 22-2-2021.

3. The case of the prosecution is that the backdrop of the deadly assault was Nilesh Naidu threatened Mayur Sherekar since Nilesh Naidu perceived that Mayur Sherekar was an impediment in securing bail for his friend Kharat. Insofar as the applicant is concerned, the only material on record is the statement of Mr. Shubham Jagdale who claims to have witnessed the incident from some distance and who named the applicant as one of the six accused who all assaulted Nilesh Naidu with sharp edged weapons. This statement is recorded nearly one month after the date of the incident.

4. Learned Additional Public Prosecutor Mrs.Kalyani Deshpande does not refute the submission of learned counsel Mr. Tiwari that other than the said belated statement, there is no material whatsoever to implicate the applicant in the crime.

5. The applicant does have one antecedent. However, while he was prosecuted in respect of an incident which occurred in 2012, he is acquitted. In any event, in the absence of reasonably strong *prima facie*

case, in the present case that the applicant has criminal antecedents, may not be sufficient to deny bail. The application is allowed.

6. The applicant be released on bail 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

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