

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

CRIMINAL APPLICATION (BA) NO.1180/2021

Yogesh @ Waghya s/o Vijay Wagh

..VS..

State of Mah., thr.PSO Yavatmal City, District Yavatmal

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

Court's or Judge's Order

.....
Shri P.V.Navlani, Counsel for the Applicant.
Shri N.R.Rode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : DECEMBER 06, 2021.

1. Heard learned counsel Shri P.V.Navlani for the applicant and learned Additional Public Prosecutor Shri N.R.Rode for the State. Also, perused chargesheet.
2. The applicant is arrested on 1.7.2020 in connection with Crime No.326/2020 registered with Yavatmal City Police Station, district Yavatmal for offences punishable under Sections 302, 143, 147, 148, 149, and 120(B) read with Section 34 of the Indian Penal Code.
3. Deceased is one Sagar. The First Information Report is lodged by his mother by name Manorama. Manorama is not eyewitness.
4. During course of investigation, Investigating Officer recorded statements of six witnesses who claim that they witnessed assault on deceased Sagar. Except eyewitness one Pratham, no other eyewitness attributes a

specific role against the present applicant that he gave a knife blow to deceased Sagar. Only eyewitness Pratham has attributed role of stabbing to deceased Sagar along with other co-accused by name Vivek.

5. Worth to note here that though the offence is registered on 1.7.2020, statement of Pratham is recorded on 14.9.2020 i.e. belatedly. Though some sort of explanation is given by the said eyewitness that he was frightened, even other eyewitnesses, whose statements are recorded immediately i.e. on 2.7.2020, did not attribute any role to the applicant. Not only that, they even do not point out presence of Pratham on spot of incident. Further, no weapon is recovered from the present applicant at his behest. His clothes and his mobile phone are seized.

6. Since entire investigation is over and chargesheet is filed and there is no criminal record against the present applicant, in my view, the case of the applicant can be considered favourably. Resultantly, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) Applicant-Yogesh @ Waghya s/o Vijay Wagh be released on bail, in connection with Crime No.326/2020 registered with Yavatmal City Police Station, district Yavatmal for offences punishable under Sections 302, 143, 147, 148, 149, and 120(B) read with Section 34 of the Indian Penal Code, on his executing a P.R.Bond in the sum of Rs.5000/- with one solvent surety of the like amount.

.....3/-

(3) The applicant is directed to attend the Police Station twice a week i.e. on every Saturday and Thursday between 2:00 p.m. and 5:00 p.m., till trial is over.

With this, the criminal application is allowed and disposed of accordingly.

JUDGE

!! BRW !!
BHUSHAN
RANA
WANKHEDE

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signed by
BHUSHAN
RANA
WANKHEDE
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