

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

Criminal Application (BA) No. 1228 of 2021

(Arshad Sheikh @ Raja S/o. Abdul Latif ..vs.. State of Maharashtra through Kotwali P.S., Kotwali,
Nagpur)

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

Court's or Judge's orders

Mr. K. L. Satuja, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 9-12-2021

Heard.

2. The applicant is arraigned as accused 2 in Crime 125/2021 registered with Kotwali Police Station, Nagpur for offences punishable under Sections 302 and 120-B read with Section 34 of the Indian Penal Code (IPC).

3. The prosecution case is that pursuant to conspiracy and with common intention, the three accused caused the death of Shanu Khan. The specific case is that at 10.10 a.m. on 14-5-2021, accused 1 Saurabh Ghatge was riding pillion on two wheeler driven by the applicant. Both followed the two wheeler of Shanu Khan and when Shanu Khan's two wheeler slowed down,

accused 1 Saurabh Ghate inflicted blow on the chest with knife which caused the death.

4. The incident is allegedly the fall out of rivalry between accused 1 Saurabh Ghate and the deceased. It appears that in the year 2019, deceased assaulted Pravin Ghate who is the accused 3 herein and an offence punishable under Section 307 of IPC came to be registered against deceased Shanu Khan.

5. It further appears that the deceased was a history-sheeter. Be that as it may, considering that conspiracy or common intention will have to be ascertained only on the basis of evidence, I am inclined to grant bail in the factual matrix since the consistent version of the eye witnesses attributes only a limited role to the applicant that is he was driving two wheeler on which accused 1 was riding pillion.

6. Mr. Pathan points out that there is a previous antecedent in as much as offence punishable under Sections 341 and 392 is registered against the applicant in the year 2018. I am not inclined to refuse bail only on

this ground. However, stringent conditions shall have to be imposed.

7. The application is allowed subject to the following conditions.

(i) The applicant be released on bail on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with solvent surety of the like amount.

(ii) While on bail, the applicant shall not indulge in any criminal activity. Even a singular breach of this condition shall entail cancellation of bail.

(iii) The applicant shall make no attempt to contact any witness or otherwise interfere with the course of the trial.

(iv) The applicant shall attend Court hearing regularly. Any infraction of this condition shall also entail cancellation of bail unless the absence is condoned/exempted by the trial Court.

(v) The applicant shall not leave the country without the permission of the trial Court.

JUDGE