

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

CRIMINAL APPLICATION (BA) 1276 OF 2021

(Nilesh s/o. Shravan Pillewan..vs.. State, thr PSO, PS Pachpaoli, Nagpur)

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

Court's or Judge's orders.

Ms. S. Wankhede, counsel for applicant.
Mr. N.S. Rao, APP for non-applicant /State.

CORAM: ROHIT B. DEO, J.
DATE:15.12.2021.

Heard.

2. The applicant is one of the three accused, who are arraigned in Crime 666/2020, registered with Police Station, Pachpaoli, Nagpur, for offence punishable under section 302 read with section 34 of Indian Penal Code.

3. According to the prosecution, the applicant is the owner of chinese food restaurant, where co-accused Vivek and Mohsin were having liquor with the deceased. According to the prosecution, the CCTV footage clearly establishes that there was an assault within the premises and co-accused Vivek is seen coming out and then picking up, initially spatula and then knife and then going inside the restaurant.

4. Co-accused Mohsin is released on bail considering that the CCTV footage shows that he in fact made some attempt to prevent co-accused Vivek from entering the restaurant. In so far as the applicant is concerned, there is no direct evidence of participation in the assault. Nothing is recovered. The learned Judge, who rejected the bail appears to have been influenced by the number of injuries and proceeded on the premise probably that the injuries are inflicted by more than one person.

5. Considering the nature of the material, I am inclined to grant bail.

6. This application is allowed subject to following the conditions:

(i) The applicant shall be released on bail in connection with Crime 666/2020, registered with Police Station, Pachpaoli, Nagpur, for offence punishable under section 302 read with section 34 of Indian Penal Code, on executing personal bond of Rs.16,000/- (Rupees Sixteen Thousand) with a solvent surety of like amount.

(ii) The applicant shall not make any attempt to tamper with the evidence or to influence witnesses, directly or indirectly.

(iii) The applicant shall not leave the country without the permission of the Trial Court.

Judge

Belkhede