

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

CRIMINAL APPLICATION (BA) NO.227 OF 2022

Vikas s/o Bhaskar Nagrale

Vs.

State of Maharashtra, Through PSO Police Station, Ballarpur, Dist. Chandrapur

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

Court's or Judge's orders

Mr. A. C. Jaltare, Advocate for applicant.

Mrs. Mayuri Deshmukh, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 27/04/2022

Heard Mr. Jaltare, learned counsel for the applicant and Mrs. Deshmukh, learned APP for non-applicant/State.

2. The applicant has been arraigned for the offence punishable under Sections 302, 364, 120-B and 201 of the Indian Penal Code in Crime No. 858 of 2021.

3. Mr. Jaltare, learned counsel for the applicant submits that there are no eyewitnesses and except for recovery of blood stained clothes, at the instance of the applicant under Section 27 of Evidence Act, there is nothing to indicate the role of the applicant in the instant matter. He, therefore, submits the applicant is entitled for bail.

4. Mrs. Deshmukh, learned APP for non-applicant/State opposes the application and submits that apart from the recovery, the CDR indicates that there was communication between the accused no.1 and the applicant. It would indicate that the applicant was involved in the criminal conspiracy to eliminate the deceased, considering which, the application needs to be rejected.

5. The incident is dated 29.07.2021, on which date, it is stated that the deceased Maroti, did not report for his employment, but on receipt of a telephone-call at about 12.00 noon, after some time, he went out saying that he would be back in 10 -15 minutes. He did not return till evening. At about 11.00 p.m, in the night, the police came to his place and after showing the photograph of Maroti, which was identified by Tarabai Kakade, informed that the body of the deceased was found. Thereafter, upon investigation, the applicant has been arrested on 31.07.2021 at whose instance, the recovery of clothes with blood stains has been made on 03.08.2021 (page 201). The recovery of clothes and the CDR (page 307) are the only two things, which are claimed to have established the connection of the applicant with the crime. It is, however, material to note, that there are no eyewitnesses. The mere conversation of the applicant with the accused no.1, without anything else, is not sufficient to establish his complicity. No

doubt, that the CCTV footage (page 220), shows the applicant standing next to a vehicle at a petrol-pump along with the accused no.1 on the fateful day and there is a recovery under Section 27 of the Evidence Act of a blood stained cloth, however, there is no C.A. report on record to indicate whether the blood is human or otherwise, considering which, the complicity of the applicant, at the most, appears to be tenuous, in view of which, a case for bail is made out. Hence, the following order.

ORDER

(i) The applicant – Vikas s/o Bhaskar Nagrale be released on bail in Crime No.858 of 2021 for the offence punishable under Sections 302, 364, 120-B and 201 of the Indian Penal Code on his executing P.R. Bond in the sum of Rs.1,00,000/- (Rupees One Lakh Only) with two solvent sureties of the like amount.

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

(iii) The applicant shall remain present each and every date before the learned Sessions Court during the course of trial and shall ensure that the trial is not protracted on his count.

(vi) Violation of any of the above condition, shall result in cancellation of bail.

JUDGE