

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

CRIMINAL APPLICATION (BA) NO.316 OF 2022

Sanket s/o Suresh Ghuge

Vs.

State of Maharashtra, Through Police Station Officer P.S.Rajapeth, Amravati

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

Court's or Judge's orders

Mr. R. M. Daga, Advocate for applicant.

Mr. A. R. Chutke, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 26/04/2022

Heard Mr. Daga, learned counsel for the
applicant and Mr. Chutke, learned APP for the
non-applicant/State.

2. The applicant has been arraigned for the
offence punishable under Section 302, 336, 504, 325
read with Section 34 of the Indian Penal Code in Crime
No.489 of 2021.

3. Mr. Daga, learned counsel for the applicant
invites my attention to the order dated 10.03.2022
passed in Criminal Application (BA) No.137 of 2022 by
which, one Shivam s/o Sharad Kukade co-accused
(accused no.3) has been released on bail. It is submitted
that the role of the present applicant, who is the accused
no.2 is similar to that of the accused no.3, who has

already been enlarged on bail, considering which the present application needs to be allowed.

4. Mr. Chutke, learned APP for the non-applicant/State does not dispute that the role of the applicant is similar to that of accused no.3, who has already been released on bail. He however, opposes the application on the ground that the present applicant is having criminal antecedents, in as much as there are three crimes listed earlier against the applicant, on which count, the applicant ought not to be released on the apprehension that he may again indulge in similar activities.

5. A perusal of the record, and the statements of Harihar Ramrao Bochara (page 94) the landlord of the sister of the complainant, where the incident took place so also the statement of Pradnya Harihar Bochara (page 96), Ashawini Sunil Kataktalware (page 98) indicate that the accused no.1 was accompanied by two unknown persons. The original assault is attributed to accused no.1 Deepak Turuk, who has assaulted the deceased by way of a wooden rafter on the head. The postmortem report indicates the cause of death due to crushed injury on the head. Since it is not disputed that the role of the applicant is similar to that of the accused no.3, who has been released on bail, the apprehension expressed by Mr. Chutke, learned APP for the non-

applicant/State can be taken care of by putting stringent conditions. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on bail for the offence punishable under Sections 302, 336, 504 and 325 read with Section 34 of the Indian Penal Code in Crime No.489 of 2021 on his executing P.R. bond in the sum of Rs.1,00,000/- (Rupees One Lakh) and two solvent sureties of the like amount.
- (iii) The applicant shall not, directly or indirectly make any attempt to influence the witnesses or otherwise tamper with the prosecution evidence.
- (iv) The applicant shall not enter Amravati City till the completion of the trial except of the dates, when the trial is being held.
- (v) The applicant shall at all time to communicate in case of his residence and mobile number to the Investigating Officer/learned Sessions Court and in case of any change thereof shall intimate the same to the Investigating Officer as well as the learned Sessions Court.
- (vi) The applicant shall not involve in any offence of any nature, during the pendency of the trial and in case, it is so found, the bail shall stand automatically cancelled.
- (vii) The applicant shall attend each and every date before the learned Sessions Court and ensure that the trial is not protracted on his count.
- (viii) Violation of any of these conditions shall result in cancellation of bail.