

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

CRIMINAL APPLICATION (BA) NO.315 OF 2022

Parmeshwar @ Bhanje s/o Gopal Shahu
Vs.

State of Maharashtra, Through Police Station Officer, Police Station, Kalamna, Nagpur

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

Court's or Judge's orders

Mr. A. K. Bhangde, Advocate for applicant.
Mr. I. J. Damle, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 06/05/2022

Heard Mr. Bhangde, learned counsel for the
applicant and Mr. Damle, learned APP for non-applicant/
State.

2. The applicant has been arraigned for the offence punishable under Sections 302, 120-B, 176-B read with Section 34 of the Indian Penal Code registered with Police Station, Kalamna, in Crime No.764/2021.

3. Mr. Bhangde, learned counsel for the applicant submits that the applicant has no role to play in the alleged incident, the applicant was not present on the spot. The only allegations against the applicant is supplying the knife to the accused nos.1 and 2 which is claimed to have been used for the purpose of the aforesaid offence and therefore, considering the role he is entitled to bail.

4. Mr. Damle, learned APP for non-applicant/State disputes that the applicant was not on the spot of the incident. He, however, agrees that no overt act is attributed to the applicant. He submits, that the incident is fall-out of a conspiracy between the applicant and co-accused, and therefore, the application needs to be rejected.

5. A perusal of the charge-sheet indicates that on 29.09.2021 the deceased Akash was assaulted by the accused no.1 Vikki and no.2 Rohit by way of a knife below Chikhali bridge, behind RTO Office and when Soyal Salam Khan Pathan and his brother-in-law reached there, Akash, who was alive at that point of time, told them that accused nos.1 and 2 had assaulted him. Akash does not name or attribute any role to the present applicant. None of the witnesses attribute any role to the applicant. Though, it is contended that it is reflected from the confession of accused no.1 Vikki, however, that is something which cannot be considered. Thus, perusal of the charge-sheet indicates at the most what would be attributed to the applicant is standing at some distance from the spot and the alleged supplying of knife to the accused nos.1 and 2, considering which, a case for bail is made out. Hence, the following order.

ORDER

(i) The application is allowed.

(ii) The applicant be released on bail in Crime No.764 of 2021 registered with Police Station, Kalamna, District Nagpur for the offences punishable under Sections 302, 120-B, 176-B read with Section 34 of the Indian Penal Code on his executing PR. bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with two solvent sureties each 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 indulge into any criminal activity while on bail.

(v) The applicant shall remain present on 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 conditions shall result in cancellation of bail.

JUDGE

Sarkate