

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

**Criminal Application (BA) No. 538 of 2022**

Vikas S/o Mahadeo Ganokar

**Versus**

State of Maharashtra, through Police Station Officer,  
Police Station Parshioni, Dist.Nagpur

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Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

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Court's or Judge's Order

Shri Amol Hunge Advocate h/f Shri O.K.Masurke,  
Advocate for the applicant.

Shri A.M. Deshpande, APP for the State / Non-applicant

**CORAM : ANIL S. KILOR, J.**

**DATED : 15<sup>th</sup> JULY, 2022.**

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 253 of 2021 registered with Police Station Parshioni for the offence punishable under Sections 302, 120B, 201 read with Section 34 of Indian Penal Code.

2. Learned counsel for the applicant has argued that he is not involved in the alleged offence even his presence at the spot is doubtful. However, he has been arraigned as accused in the present offence and thereby he has been falsely implicated. It is submitted that infact statement of the witnesses namely Vinod

Damu Dhurve and the statement of friend of Sachin Ganpatrao Samrit are sufficient to *prima facie* show that the applicant is not involved in the alleged offence.

3. Learned counsel for the applicant further submits that the custody of the applicant is no more required as the investigation is over and the chargesheet has been filed. Accordingly, he prays for grant of bail.

4. On the other hand, learned Additional Public Prosecutor opposed the present application and submits that CCTV footage is collected and in the said CCTV footage, the presence of the applicant can be seen.

5. Learned Additional Public Prosecutor has drawn attention of this Court to the various statements of eye witnesses recorded by the Investigating Officer during the investigation. It is pointed out from the statements that the murder was pre-meditated and it was a conspiracy hatched by the accused persons to eliminate the deceased. He therefore submits that the said offence is very serious and considering the severity of punishment, this Court may not grant bail to the applicant.

6. I have perused the chargesheet and the reply filed by the State.

7. Though the learned counsel for the applicant is trying to point out that no role is attributed to the applicant even after his presence considered at the spot and time of the incident, the same is the matter of evidence and at this stage considering *prima facie* material available on record, it cannot be said that the applicant is not involved in the alleged offence.

8. The CCTV footage collected by the Investigating Officer clearly depicts that the applicant was very much present with the other accused persons and the deceased. *Prima facie*, there is consistency in the statement of witnesses about the sequence of events, spot of incidents and commission of offence by the accused persons.

9. Thus, considering the seriousness of the offence and severity of the punishment, I am of the opinion that if the applicant is released on bail, there is every likelihood that he may pressurize the prosecution witnesses or tamper with the prosecution evidence. Thus, in the above referred backdrop, I am not inclined to grant bail. Accordingly, I pass the following order:

- i. Criminal application is rejected.

[ANIL S. KILOR, J.]