

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

CRIMINAL APPLICATION (BA) NO. 696 OF 2022

Sunayan s/o Amrish Kharche **Versus** State of Maharashtra, thr. PSO, PS Ajani, Nagpur.

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

Court's or Judge's Order

Shri C.R. Thakur, counsel for the applicant.

Shri T.A. Mirza, APP for the non-applicant /State.

CORAM : ANIL S. KILOR, J.

DATED : 18/08/2022

1. The applicant is seeking bail in connection with Crime No. 112/2021, registered with Police Station Ajni, District Nagpur, for the offences punishable under Sections 302, 307, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860 and Sections 4, 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act, 1951.

2. Learned counsel for the applicant submits that, except the allegation that he supplied a knife to the main assailant /accused No.1, no overact is attributed to the applicant, which would suggest that any injury was caused to the deceased because of the applicant and due to which deceased died.

3. He further submits that, the applicant is in jail from last one and half years and the investigation is completed. It is further submitted that, further custody of

the applicant is no more required. Accordingly, he prays for grant of bail.

4. On the other hand, learned APP strongly opposed the present application and prays for rejection of the present application.

5. I have perused the Charge-sheet and the FIR.

6. After going through the statement of eye-witness, *prima-facie*, it appears that he gave a knife to the main accused- Nitesh, who inflicted blows by the said knife on the person of the deceased, which is resulted into death of the deceased. There are no allegations against the applicant, like the Nitesh/co-accused that he inflicted any blow by knife or any other weapon or assaulted the deceased. There are no criminal antecedents to the discredit of the applicant.

7. Thus, *prima-facie*, it can be seen that applicant is not responsible for death of the deceased. The applicant is in jail for one and half years and the investigation is completed. As such, I am of the opinion that further custody of the applicant is not necessary. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in Crime No. 112/2021, registered with Police Station Ajni, District Nagpur, for the offences punishable under Sections 302, 307, 143, 144, 147, 148 and 149 of the Indian Penal Code, 1860 and Sections 4,

25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act, 1951, the applicant shall be released on bail on furnishing P.R. Bond of Rs.25,000/- with one solvent surety in the like amount.

- c) The applicant shall attend the concerned Police Station on 1st and 16th day of each month between 10.00 a.m. to 12.00 noon, till the culmination of the trial.
- d) The State is at liberty to move application for cancellation of bail, in case of breach of any condition or the applicant repeats the similar offence.
- e) The applicant shall not tamper with the prosecution witnesses.

The criminal application is **disposed of**, accordingly.

[ANIL S. KILOR, J.]