

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

Criminal Application (BA) No.724/2022

Suresh Kamble V State of Maharashtra thr PSO PS Ajni, Nagpur

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. N. Nakashe, Advocate for applicant.

Mr. T.A. Mirza, APP for State.

CORAM : ANIL S. KILOR, J.

DATE : 19-07-2022

The applicant has approached to this Court by filing the present application under Section 439 of the Code of Criminal Procedure for grant of bail in connection with Crime No.0361/2021 registered with Police Station Ajni, District Nagpur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

2. Learned Counsel for the applicant submits that in this case the chargesheet has been filed after completion of the investigation and as such further custody of the applicant is not necessary.

3. He submits that initially the name of the applicant was not there in the FIR. However, subsequently, on a statement of eye witness he was arraigned as accused. He submits that the

applicant has been falsely implicated in the alleged offence.

4. He further submits that the head injury was caused at the instance of co-accused Abhishek Ghodeswar, which was the cause of death as per the post mortem report. He, therefore, submits that, considering the cause of death and the role attributed to co-accused Abhishek Ghodeswar, the applicant may be released on bail, as no such injury was caused to the deceased at the instance of the applicant.

5. On the other hand, learned APP strongly opposed the application and submits that the offence is very serious and there were multiple injuries on the head of the deceased. Therefore, it cannot be said that the death was caused because of Abhishek Ghodeswar.

6. Learned APP has pointed out the statements of the eye witnesses who have disclosed the name of the applicant. Accordingly, he submits that as there is ample incriminating material against the applicant, he may not be released on bail. Accordingly, he prays for rejection of the present application.

7. I have perused the chargesheet, application and the reply of the State.

8. From the chargesheet it can be seen that, there are eye witnesses who have disclosed the name of the applicant and

attributed the role. There were multiple head injuries caused to the deceased because of which he died.

9. Considering the role attributed to the applicant, his involvement is apparent and further considering the nature and seriousness of the offence and the character of the evidence collected by the Investigating Officer, I am of the opinion that the applicant is not entitled for grant of bail. Moreover, there is every possibility that if the applicant is released on bail he may tamper with the prosecution evidence.

10. In the circumstances, I pass the following order:-

ORDER

Application is rejected.

(Anil S. Kilor, J.)