

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

CRIMINAL APPLICATION (BA) NO.868 OF 2022

Pawan Rambharose Chouhan **Versus** State of Maharashtra, through P.S.O., PS Dhapewada, Tah. Kalmeshwar, Dist. Nagpur.

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

Court's or Judge's Order

Shri Y. Mandpe, counsel for the applicant.

Shri Ashirgade, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.
DATED : 10/08/2022

1. The applicant is seeking bail in connection with Crime No. 242 of 2021, registered with Police Station Dhapewada, Tq. Kalmeshwar, District Nagpur, for the offences punishable under Sections 302 and 452 of the Indian Penal Code, 1860.

2. Learned counsel for the applicant submits that the whole case is based on circumstantial evidence and unless the link established, it cannot be said that the applicant is involved in the alleged offence.

3. He further submits that, there are no eye witnesses. It is submitted that, the applicant is in jail from last one year and in view of the fact that the charge-sheet has been filed, he may be released on bail.

4. On the other hand, learned APP strongly opposed the present application and submits that, the CCTV Footage of the Liquor Shop which is adjacent to the house of the deceased, sufficiently shows that the applicant was present at the spot at the relevant time. He further submits that, there was a motive which has come in the statement of witnesses.

5. Furthermore, he points out that, from the statement of witnesses that, in the earlier incident the applicant threatened to kill the person who was supporting his wife. He further submits that, there is sufficient incriminating material to connect with the applicant with the alleged offence.

6. I have perused the charge-sheet and documents filed along with the application.

7. The Panchanama of CCTV Footage, states that, the applicant came to the said shop which is adjacent to the spot of incident, on his motorcycle and then he went on his foot.

8. In addition to this, there are statement of the witnesses to show the motive. For this purpose, statement of Yunus Israr Kuresh and Dilip Harichand Yadav are sufficient.

9. Moreover, considering the distance between the residence of the applicant and the liquor shop, wherefrom the CCTV Footage is recovered, which is about 10 km. and the other circumstances, I am of the opinion that there is sufficient incriminating material available against the applicant to connect him with the alleged offence.

10. In the circumstances, I am not inclined to grant bail, considering the nature and seriousness of the offence and the severity of the punishment which conviction will entail in this case. Accordingly, I pass the following order:

The criminal application is **rejected**.

However, the learned trial Court is requested to expedite the trial.

[ANIL S. KILOR, J.]