

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

Criminal Application (BA) No. 1183 of 2022

Akram Khan @ Bhoknya S/o Ahmed Khan

Versus

State of Maharashtra, through Police Station Officer, Sakkardara Police
Station, Nagpur

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

Court's or Judge's Order

Shri F.S.Choudhary, Advocate for the applicant.

Shri S.D.Sirpurkar, APP for the State / Non-applicant

CORAM : ANIL S. KILOR, J.

DATED : 30th NOVEMBER, 2022.

The applicant is seeking bail under Section 439 of the Code of Criminal Procedure in Crime No. 154 of 2022 registered with Police Station Sakkardara for the offence punishable under Sections 302, 307, 109 and 120-B of Indian Penal Code, Section 4/25 of Arms Act and Section 135 of the Maharashtra Police Act.

2. The prosecution case is that the accused persons committed murder of the deceased on a dispute about having passengers in Auto Rickshaw.

3. During investigation Investigating Officer has collected CCTV footage about the incidents and panchanama of the same narrates the incidents of assault. However, it does not disclose the presence of the applicant or attribute any overt act against the applicant.

4. As per the learned Additional Public Prosecutor, the cloths which were seized from the applicant had blood stains.

5. However, the CCTV footage does not show the presence of the applicant or show any involvement of the applicant in the alleged offence.

6. At this stage, therefore, only on the basis of cloths of the applicant having blood stains, the bail cannot be denied particularly when the investigation is completed and the chargesheet has been filed.

7. Thus, considering the above referred observations and the period of incarceration of the applicant coupled with the fact that there is no possibility that in near future the trial would commence, I am of the opinion that the applicant is entitled for grant of bail.

i. The criminal application is allowed.

ii. It is directed that the applicant shall be released on bail in Crime No. 154 of 2022 registered with Police

Station Sakardara for the offence punishable under Sections 302, 307, 109 and 120-B of Indian Penal Code and Section 4/25 of Arms Act and Section 135 of the Maharashtra Police Act, on furnishing P.R.Bond of Rs.25,000/- with one solvent surety in the like amount;

iii. The applicant shall attend the concerned Police Station as and when his presence is required;

iv. The applicant shall not tamper with the prosecution witnesses;

v. The applicant shall not leave the jurisdiction of the concerned Police Station without permission of the Court.

[ANIL S. KILOR, J.]

SACHINDANAND
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