

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

CRIMINAL APPLICATION (BA) NO.1237 OF 2022

Vishal S/o Bapurav Zade .**Vs.** State of Maharashtra, through P.S.O., P.S. Maregaon,
Tq. Maregaon, Dist. Yavatmal

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

Court's or Judge's Order

Shri S.M. Lodha, Advocate for the applicant.

Shri N.R. Rode, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 05/12/2022

1. Heard.
2. The applicant is seeking bail in Crime No.160 of 2022, registered with Police Station: Maregaon, District: Yavatmal, for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code.
3. The learned counsel for the applicant submits that on the basis of suspicion the applicant has been arraigned as accused and even if the reply of the State is considered, it can be seen that the applicant is not connected with the alleged offence and no role is attributed against the applicant.
4. It is submitted that as per the reply of the prosecution the co-accused disclosed that they along with the applicant hatched conspiracy to cause huge loss to the

informant by killing his cattle and for that purpose the applicant brought the medicines syringe and handed it over to the co-accused Ajit Fulzele. On the date of incident, a quarrel took place between the deceased and the co-accused whereas, the applicant ran away from the spot and he was not present when the incident took place.

5. Thus, it can be seen that there is no incriminating material available in the charge-sheet to show the involvement of the applicant. As far as the conspiracy is concerned, that was not to kill the deceased but to cause heavy loss to the informant by killing his cattle.

6. In the circumstances, considering the fact that the charge-sheet has been filed and the applicant is in jail since 10.05.2022, 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 the applicant shall be released on bail in Crime No.160 of 2022, registered with Police Station: Maregaon, District: Yavatmal, for the offences punishable under Sections 302, 201 read with Section 34 of the Indian Penal Code,

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 as and when his presence is required.
- d) The applicant shall not tamper with the prosecution witnesses.

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

JUDGE