

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

CRIMINAL APPLICATION (BA) NO. 344 OF 2023

[BADAL RAJU RAMTEKE .VS. STATE OF MAH. THR. PS.O. PS. WARDHA DIST. WARDHA]

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

Court's or Judge's Orders.

Ms. Rohini Bondre, Advocate for Applicant.
Mr. M.J. Khan, APP for Non-Applicant-State.

CORAM : ANIL L. PANSARE J.

DATE : 18/04/2023

This application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973. The applicant has been arrested on 18/06/2022 in Crime No.0908/2022, registered with Police Station, Wardha, District Wardha for the offences punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860.

2. Briefly stated, the accusation against the applicant and other accused persons is that they have committed murder of Dilip Pradhan by using brick. The wife of the deceased has lodged FIR. She states that she was residing separately from her husband for last eight to nine years. Dilip was alcoholic. She came to know from the people in the

vicinity that her husband was lying on the road in injured condition near Longbarse's house. She came to know from one of the witnesses, namely, Shankar Atram that on 17/06/2022 at about 2.00p.m. three accused persons were involved in quarrel with Dilip Pradhan. Shankar Atram appears to have informed the informant about the names of the assailants.

3. Learned counsel for the applicant has referred to the statement of Shankar Atram. He states that on 17/06/2022 at about 2.00 p.m. when he was on way to attend nature's call, he saw three accused, namely, Mangesh Pradhan, Badal Ramteke (applicant) and Vikas Vankar, who were quarreling with the deceased. After attending the nature's call when he was returning back he did not find any one at the spot.

4. Thus, it is rightly argued by the applicant that the statement of Shankar Atram does not really support the prosecution version that these three accused have assaulted Dilip Pradhan (deceased) by means of brick or by any other weapon. In fact the witness has not seen the accused persons assaulting the deceased. He has only witnessed a quarrel between the accused persons and the deceased.

5. Learned APP submits that bricks having blood stains were found at the spot and the Post Mortem Report indicates that multiple injuries were possible by brick or similar such weapon. He submits that the circumstantial evidence is such that except for these three accused persons there is no one else to be blamed for the murder of Dilip Pradhan.

6. Prima facie, the evidence is short of connecting the chain of the events to infer that except for the applicant no one else could be blamed for the assault. The evidence collected appears to be weak. The co-accused has been released on bail.

7. On inquiry about the criminal antecedents, the learned counsel for the applicant submits that he has no criminal antecedents. He owns immovable properties at Wardha and thus, he has strong roots in the locality. The Charge-sheet has been filed, but charges have not yet been framed, it will take time to commence and conclude the trial.

8. Considering the role of the applicant as discussed above, and the nature of evidence, no

purpose will be served in keeping applicant behind the bars.

9. The observations made in this order are *prima facie* in nature and are made for deciding the present application only. The learned Judge, who is seisin of the trial, shall not get influenced with the above observations.

10. Resultantly, following order is passed :-

ORDER

(i) The application is allowed.

(ii) The applicant – **Badal Raju Ramteke** be released on bail, in Crime No.908/2022, registered with Police Station, Wardha, District Wardha for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 on he furnishing PR. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

(iii) The applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned and shall not

change the residence till the final disposal of the case.

(iv) The applicant shall regularly attend the court and cooperate the learned trial Court to complete the trial for the above offences. The applicant shall not seek adjournments, except under extreme circumstances to the satisfaction of the trial Court.

(v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

(vi) The applicant shall maintain law and order.

(vii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

The application is disposed of in the above terms.