



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

CRIMINAL APPLICATION (BA) NO.532 OF 2023

Suraj @ Golu Bhanudas Susgahar

.Vs.

The State of Maharashtra, Through PSO, PS Shegaon, Tq. Khamgaon and Distt. Buldhana

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr S. V. Sirpurkar, Counsel for the applicant
Mr Suraj Hulke, APP for the State

CORAM : SHIVKUMAR DIGE, J.

DATE : NOVEMBER 03, 2023

1. Heard learned counsel for the applicant and learned APP for the State.
2. Investigating officer Mr Anil Gopal is present in the Court. The CCTV footage taken in pen drive is played before this Court. Heard the investigating officer on CCTV footage.
3. By this application the applicant is seeking regular bail in Crime No. 604 of 2022 registered with Shegaon City Police Station, Buldhana for the offences punishable under Sections 302, 397 of the Indian Penal Code. It is prosecution's case that Mr Namdeo Zalake was beggar and used to sleep in front of the floor of Bajrang Tea Stall. On 06.12.022, Namdeo Zalake was found in injured condition and blood was oozing from

his nose and mouth. Therefore, he was admitted to the Government Hospital. During treatment he died. On the basis of the CCTV footage, the police arrested the applicant in connection of the said crime

4. It is the contention of learned counsel for the applicant that applicant has been falsely implicated in this case. The police has arrested the applicant on the basis of CCTV Footage. The face of the applicant is nowhere visible in CCTV footage. The applicant is arrested only on the basis of suspicion. There is no recovery at the instance of applicant. The applicant is behind bar for more than one year. Hence, requested to allow the application.

5. It is the contention of learned APP that applicant's presence is shown in CCTV footage. The police has collected CCTV footage of various areas. It shows that at the time of incident the applicant was present and his face is clearly visible in the CCTV footage of ST bus stand. There is *prima facie* case against the applicant. Hence, requested to reject the application.

6. I have heard both learned counsel. Perused the FIR and chargesheet.

7. The photographs of CCTV produced on record. In these photographs the face of applicant is not visible.

There is no recovery at the instance of the applicant. Applicant is behind bar for more than one year. Yet trial has not commenced. It may take time to conclude the trial. Considering above facts further detention of the applicant is not required and I pass following order.

- i) Criminal application is allowed.
- ii) Applicant- Suraj @ Golu Bhanudas Susgahar be released on bail in Crime No.604 of 2022, registered with Police Station Shegaon District: Buldhana on his furnishing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one surety in the like amount.
- iii] The applicant shall not in any way tamper with the prosecution evidence.
- iv] The applicant shall not pressurize or threaten the prosecution witnesses.
- v] The applicant shall co-operate the learned trial judge in conduct of the trial expeditiously.

8. The criminal application stands **disposed of**, accordingly.

(SHIVKUMAR DIGE, J.)