

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

CRIMINAL APPLICATION (BA) NO.638 OF 2023

(Himanshu @ Anshu Kamlesh Shukla Vs. State of Maharashtra thr. its PSO PS
Khaparkheda, Dist. Nagpur)

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

Court's or Judge's orders.

Mr. P. S. Jaiswal, Advocate with Mr. S. S. Sohoni, Advocate for Applicant.
Mr. Ujwal Phasate, Addl GP for Respondent/State.

CORAM: ANIL S. KILOR, J.

DATE: 10th NOVEMBER, 2023.

There is a successive bail application after withdrawal of the first bail application on 14.07.2022.

2. Mr. Jaiswal, the learned counsel for the applicant submits that there is no evidence against the applicant in the charge-sheet. It is submitted that the applicant was not named in the F.I.R. and though a knife was recovered, it had no blood stains. He, therefore, submits that in absence of any evidence against the applicant and considering the period of incarceration of the applicant, he is entitled for grant of bail.

3. Mr. Jaiswal, the learned counsel for the applicant further points out that there are three accused out of which accused No.2 and No.3 have already been released on bail and therefore, the applicant may be released on bail.

4. On the other-hand the learned APP has pointed out that the incident took place on 07.04.2021 and the missing report was filed by the mother of the deceased on 09.04.2021. It is pointed out that the body of the deceased was recovered on 12.04.2021.

5. He further points out that after commission of the offence the applicant was absconding and he was arrested from Madhya Pradesh on 18.04.2021. It is further submitted that after 15 days of the incident i.e. on 21.04.2021, the knife was seized and recovered from the applicant and as per the query report the stab wounds found on the body of the deceased can be possible by the said knife. It is submitted that there are 15 stab and chop wounds on the body of the deceased. The cause of death is due to injuries to vital organs. It is further pointed out that allegation of stabbing the deceased is only attributed to the present applicant and not to the co-accused. He, therefore, submits that the role of the present applicant is different from the role of the co-accused who have been granted bail.

6. The learned A.P.P. lastly submits that on instructions which he has received, there is a possibility of conclusion of trial within six months.

7. In light of above referred submissions though the applicant was not named in the F.I.R., the fact that the knife was seized from the applicant cannot be ignored. Thus, considering the fact that the applicant was absconding and the fact that there were several stab and chop wounds

present on the vital part of the deceased which was the cause of death and with the fact that the trial will conclude within a period of six months, I am not inclined to grant bail. Accordingly, the bail application is dismissed.

JUDGE

NSN