



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

Criminal Application [BA] No.772 of 2023

Kritesh Premdas Mohurle

vs.

The State of Maharashtra, through Police Station, Hingna, Nagpur

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

Court's or Judge's Orders

Mr. R.H. Rawlani, Advocate for the Applicant.

Mr. S.M. Ghodeswar, A.P.P. for the Non-Applicant.

CORAM : M.W. CHANDWANI, J.
DATE : 30th AUGUST, 2023.

Heard the learned Counsel for the applicant as well as the learned A.P.P. for the State.

02] The applicant seeks to enlarge on regular bail in Crime No.18/2023 registered by Police Station Hingna, District Nagpur for the offence punishable under Sections 302, 143, 147, 148, 149, 504, 212, 109, 323 read with Section 34 of the Indian Penal Code and under Sections 3, 7, 25 and 27 of the Arms Act and further under Section 37 read with Section 135 of the Maharashtra Police Act.

03] I have gone through the charge-sheet. Perusal of the charge-sheet goes to show that accused-Deepak fired a gun-shot on deceased-Avinash twice and killed him at the house of accused No.1 itself. The allegation against the present applicant is that he along with other accused instigated the main accused to kill deceased-Avinash. After the report came to be lodged, all the accused were arrested.

04] It is contended on behalf of the learned Counsel for the applicant that no specific role in the assault has been attributed to the

present applicant. The applicant had not shared common object to commit murder. The other co-accused having same role, have already been enlarged on bail. However, the trial Court though considered the bail application of accused No.5-Ritesh, who has criminal antecedents, rejected the bail application of the present applicant only on the ground that the applicant has criminal antecedents. He submitted that the applicant is ready to abide by each and every conditions imposed while granting the bail.

05] *Per contra*, the learned A.P.P. for the State fairly submits that the other co-accused, who have been enlarged on bail, are similarly situated with the applicant and, however, he supports the order of the Court.

06] It appears that as many as eight co-accused, who were present on the spot, have played the same role as of the applicant. There is no dispute that the deceased died by bullets injury, which was shot by main accused-Deepak. Fatal assault is not attributed to the present applicant. Whether he shared common object in the murder is a matter of trial. The charge-sheet is already filed. Considering the fact that the other co-accused, having similar role, have been released on bail, I think discretion of bail on stringent conditions can be exercised in favour of the applicant. Hence, the order :

- (I) The applicant be released on bail in Crime No.18/2023 registered by Police Station Hingna, District Nagpur on his furnishing a P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount before the trial Court on the following conditions :

- (a) The applicant shall submit a list of at least three blood relatives with respective mobile phone numbers and detailed residential addresses and also addresses of their place of work, as per Criminal Manual Chapter-I, Para 12(1).
 - (b) The applicant shall attend the Court dates regularly and participate to conduct the proceeding of the case from time to time.
 - (c) The applicant shall not enter in the locality of present prosecution witnesses and shall not contact them by any manner.
 - (d) The applicant shall not involve in any other crime.
 - (e) In case of breach of any of these conditions, the bail bond of the applicant will be cancelled immediately.
- (II) The application is allowed and disposed of in the aforestated term.

JUDGE

**sandesh*