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

CRIMINAL APPEAL NO.49 OF 2025

Manoj s/o Ramnarayan Gupta,
Aged about – 32 Years,
Occupation : Pvt. Work,
R/o. Plot No.100,
Mayuri Akta Society,
Samta Nagar, Nagpur.
(Presently at Central Prison, Nagpur)

..... APPELLANT

// VERSUS //

1. The State of Maharashtra,
Through Police Station Officer,
Panchpaoli, District Nagpur.
2. Babynanda w/o Vinod Meshram,
Aged about – 48 Years,
Plot No.78, Dhammadip Jyoti Nagar,
Malka Colony, Nari Road,
Nagpur

.... RESPONDENTS

Mr. A. S. Band, Counsel for the appellant.
Mr. Anant Ghogare, APP for the respondent No.1 /State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05.05.2025

ORAL JUDGMENT :

1. Heard.
2. **Admit.**
3. By preferring this appeal, the appellant has challenged
the order passed by the Additional Sessions Judge – 13 and Special

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Judge, Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, Nagpur.

4. The appellant came to be arrested on 02.01.2023 in connection with Crime No.2/2023 registered with Police Station Panchpaoli, Nagpur for the offence punishable under Sections 143, 147, 148, 302 read with Section 149 of the Indian Penal Code, under Section 4, 25 of the Arms Act, under Section 135 of the Maharashtra Police Act and under Section 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The crime is registered on the basis of report lodged by the mother of the deceased Bebinanda Vinod Meshram on an allegation that on 01.01.2023 the present applicant and the other-accused had been to his house in search of the deceased Rajesh and threatened them that they would kill Rajesh. Thereafter on the same day, the information was received that somebody has killed the deceased Rajesh, and therefore, he immediately approached to the Police Station and lodged the report. On the basis of the said report, police have registered the crime.

6. During the investigation, the Investigating Officer has recorded the various statements of the witnesses, identification parade was also held and after completion of the investigation, the charge-sheet was submitted. The appellant has approached to the

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learned Special Court for grant of bail which is rejected and hence, this appeal.

7. Heard learned Counsel for the appellant, who submitted that the entire case is based on the circumstantial evidence. The appellant though identified during the identification parade, but none of the witnesses has stated about the presence of the present appellant in the alleged incident. Now the investigation is already completed. The appellant is behind bar since last two years and trial is not yet commenced. In view of that, the appellant be released on bail.

8. Learned APP strongly opposed for the same and submitted that considering that the deceased has sustained six injuries. During the investigation, one sword and knife is recovered at the instance of the present appellant. His blood stained pant is also recovered. Thus, considering the circumstantial evidence which is appearing against the present appellant, his involvement revealed. Moreover, he is also identified during the identification parade by the witnesses. Thus, there is sufficient material to connect the present appellant with the alleged offence. In view of that, the appeal deserves to be dismissed as the learned Special Judge rightly considered the application and rejected the same.

9. After hearing both the sides and on perusal of the investigation papers, it reveals that prior to the incident, the

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present appellant and the other co-accused had been to the house of the deceased and allegedly threatened him. This fact is further substantiated by the statements of the witnesses which shows that the present appellant had been to the house of the deceased prior to his dead body was found. On the same day, his dead body was found. During the investigation, the statement of the other co-accused is recorded as well as the statement of the present appellant is also recorded. At his instance, the incriminating weapons knife and sword are recovered. The blood stained clothes of the present appellant is also recovered during the investigation. He was put for the identification parade and during the identification parade, he is identified by the witnesses. Thus, considering there is a sufficient material to connect the present appellant with the alleged offence. Learned Special Court has rightly rejected the application, I do not have any reason to interfere with the same. Considering the nature of the offence it is a serious one, as the deceased has sustained six grievous injuries i.e. the nature of stab wounds and death of the deceased is due to the stab injury to the vital organ. I have shown my disinclination to entertain the appeal. In view of that the appeal is **dismissed**.

(URMILA JOSHI-PHALKE, J.)