



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

CRIMINAL APPLICATION (BA) NO.206 OF 2025

Manish s/o Sagar Shendre
Vs.

State of Maharashtra, through Police Station Officer, Police Station,
Yavatmal City, District Yavatmal

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

Court's or Judge's orders

Mr. Sunil V. Manohar, Senior Counsel a/b Mr. Atharva S. Manohar,
Counsel for the applicant.
Mr. Anant Ghogre, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 03/04/2025

1. The applicant came to be arrested on 07.02.2024 in connection with Crime No.86/2024 registered with Police Station Yavatmal City, District Yavatmal for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and under Sections 3 and 25 of the Arms Act.

2. The crime is registered on the basis of report lodged by Rafique Khan and Inayat Khan on an allegation that his son deceased Shadab Khan was working as a JCP Machine Operator. On the day of incident i.e. on 05.02.2024, he received a telephonic call wherein it was informed that his son has sustained the injuries due to the fire of a bullet. He immediately rushed to the hospital, where he came to know that there was a quarrel between the

present applicant and the deceased on account of giving the turn to the vehicle, and therefore, the present applicant has fired a bullet on the person of the deceased.

3. Heard learned Senior Counsel Mr. Manohar for the applicant, who submitted that during the investigation, the Investigating Officer has recorded the various statements. None of the statements shows that present applicant was seen firing a bullet. They only witnessed the earlier incident of quarrel between the present applicant and the deceased. As far as the firing of bullet is concerned, the statement shows that they came to know the name of the person, who fired a bullet subsequently. The weapon of the offence is also not recovered at the instance of the present applicant. The identification Parade is also held after one month. No description of the accused is also narrated by any of the witnesses. Thus, considering the nature of the evidence and the investigation is completed, further incarceration of the present applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed for the same and submitted that the statement of the witnesses discloses that it was the present, who fired a bullet towards the deceased and caused the death of the deceased. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the investigation papers, it reveals that as far as the earlier incident of quarrel is concerned, which is witnessed by the witnesses namely, Aavesh Khan, Mohsin Khan Ayyub Khan, but as far as the involvement of the present applicant is concerned, these statements disclosed that they received the information that the person who fired a bullet is the present applicant. Thus, as far as the involvement of the present applicant, at this stage appears to be on the basis of the information received by the witnesses. The identification parade is also held after one month. The statement recorded under Section 164 of the Cr.P.C. shows that one of the accused was seen by the witnesses in the Police Station before the identification parade. Thus, considering all these aspects, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Manish s/o Sagar Shendre** shall be released on bail in connection with Crime No.86/2024 registered with Police Station Yavatmal City, District Yavatmal for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code and under Sections 3 and 25 of the Arms Act, on executing PR bond in the sum of Rs.50,000/- with one solvent surety in the like amount.

(iii) The applicant shall not enter into the vicinity of Tayade Nagar, Nagpur Road, Yavatmal except attending the proceedings before the Sessions Court.

(iv) The applicant shall furnish his detailed address along with the address proof where he is intending to reside after he is released on bail.

(v) The applicant shall attend the proceeding before the Sessions Court without seeking any exemption unless there are exceptional circumstances.

(vi) The applicant shall not induce, threat or promise any of the witnesses who are acquainted with the facts of the case.

(vii) The applicant shall attend the Kalamb Police Station, District Yavatmal twice in a month on 1st and 15th of every month till the culmination of the trial.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)