



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

CRIMINAL APPLICATION (BA) NO.1220 OF 2024

[Vijay S/o Chintulal Katare ..Vs.. The State of Maharashtra through
P.S.O., Police Station Mouda, Dist. Nagpur.]

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

Court's or Judge's order

Mr C. R. Thakur, Advocate for Applicant.
Mr N. B. Jawde, APP for Respondent/State.

CORAM : G. A. SANAP, J.

DATE : 20th FEBRUARY, 2025.

. Heard.

2. This is an application for bail by applicant, who has been arrayed as an accused No.3 in Crime No.61 of 2024 registered at Police Station Mouda, Nagpur (Rural) for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860.

3. Learned Advocate for the applicant/accused No.3 would submit that the charge-sheet has been filed. The main role has been attributed to the accused No.1 and 2 and one juvenile. Learned Advocate would submit that the investigation revealed that accused No.3 assisted accused No.1 in disposing of the dead body. The result of investigation shows that accused No.3 has been prosecuted for the offence punishable under Section 201 of the IPC, namely causing disappearance of the evidence of the offence. Learned Advocate would submit that the applicant was working on a Jeep of accused No.1 and the said Jeep was used for disposal of the dead body. Learned Advocate would submit that the maximum punishment

provided for the offence under Section 201 of IPC is seven years and fine. It is pointed out that he has been in jail from 01.02.2024. Learned Advocate would submit that considering the role attributed to him, his further incarceration is not necessary. Learned Advocate would submit that the accused is ready to abide by the conditions that may be imposed by the Court. He is ready to furnish the local surety from Nagpur.

4. Learned APP would submit that the prosecution has compiled concrete evidence in the charge-sheet. The role of accused No.3 has been clearly spelt out. It is submitted that accused No.3 helped the main accused in disposal of the dead body after murder. Learned APP would submit that if accused No.3 is enlarged on bail, then the possibility of tampering with the prosecution evidence or threatening the prosecution witnesses, can not be ruled out. It is submitted that he is resident of Madhya Pradesh and if he is enlarged on bail, he may flee from justice.

5. I have gone through the record and proceedings. It is not disputed that accused No.3 is resident of Tal. Lalbarra, Dist. Balaghat from the State of Madhya Pradesh. The bail cannot be denied to the accused on the ground that he is resident of another State, if the accused is otherwise found entitled to get the bail. This fact has to be borne in mind while imposing the appropriate conditions to secure the presence of accused before the trial Court. Perusal of the charge-sheet shows that the main role has been attributed to accused No.1 and 2 and one juvenile. The charge-sheet does not show that

any role was played by the applicant/accused at the time of main incident. The charge-sheet would show that accused No.3 helped accused No.1 in disposing the dead body. It is seen on perusal of the charge-sheet that he has been prosecuted mainly for the offence punishable under Section 201 of the IPC. This fact needs to be considered at this stage while deciding his bail application. The prosecution is at liberty to lead the evidence and prove his involvement in commission of crime with the other accused in furtherance of the common intention.

6. In the facts and circumstances, it is not advisable at this state to go into the merits of the matter. Considering the nature of the allegations as has been pointed out from charge-sheet, the applicant cannot be denied the bail. The applicant has made out a case to exercise the discretion in his favour. The apprehension put forth by the learned APP can be taken care of by imposing appropriate conditions. Hence, the following order.

- i) Criminal application is allowed.
- ii) Applicant - Vijay S/o. Chintulal Katore be released on bail in Crime No.61 of 2024 registered at Police Station Mouda, Nagpur (Rural) for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code, 1860, 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 attend the concerned Police Station on 1st date of every month till the completion of trial between 11:00 a.m. and 01:00 p.m.

iv) The applicant shall not directly or indirectly make any inducement or promise to any witness in any manner.

v) The applicant shall not tamper with the prosecution evidence.

vi) The applicant shall not pressurize or threaten the prosecution witnesses.

vii) The applicant shall extend fullest cooperation to the trial Court while conducting the trial.

7. The criminal application stands disposed of accordingly.

JUDGE

Tambe.