



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

CRIMINAL APPLICATION (BA) No.36 OF 2025

(Kartik @ Babu Hemraj Sursaut Vs. State of Maharashtra, through PSO, P.S. MIDC,
Distt. Nagpur)

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

Court's or Judge's orders.

Mr. C.R. Thakur, Advocate for applicant.
Ms. T.H. Udeshi, APP for non-applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATE : 10th MARCH, 2025.

1. Present application is preferred by the applicant for grant of bail under Section 483 of the Bharatiya Nyaya Sanhita, 2023.
2. The applicant came to be arrested on 3.5.2024 in connection with Crime No.419/2024, registered with Police Station M.I.D.C., Nagpur city under Sections 143, 147, 302 read with Section 149 of the Indian Penal Code. The crime is registered on the basis of report lodged by brother of the deceased Ritesh Sunil Kanhere, who alleged that on 2.5.2024 his brother Kunal had been to MIDC and returned back at 12.30 p.m. Thereafter, he alongwith the deceased proceeded on two-wheeler towards Wanadongri. On the way near Meghe Hospital present applicant and other co-accused stopped their vehicle and thereafter deceased stopped there alongwith present applicant and other co-accused. Thereafter, at

about 8.00 p.m. he received a phone-call of one Ajju Wankhede disclosing him that his brother is murdered. Therefore, he suspected that murder is committed by the present applicant and the other co-accused. On the basis of said report Police have registered the crime against the present applicant.

3. Heard learned counsel for the applicant who submitted that the entire case is based on the circumstantial evidence except the circumstance that at Tea stall the present applicant met deceased, there is no other material to connect him with the alleged offence. He invited my attention towards a CCTV footage panchanama which is drawn at Quality Wine Shop and submitted that in the CCTV footage the presence of the present applicant was not seen. Except extra judicial confession by the co-accused there is no other material to connect the present applicant with the alleged offence. In view of that, as investigation is completed charge-sheet is filed, further incarceration of the present applicant is not required, he be released on bail.

4. Learned A.P.P. strongly opposed the said application and submitted that there is a communication between the present applicant and other co-accused which reveals from CDR and SDR reports. Thus, connection of the present applicant with other co-accused reveals from the investigation papers and there are criminal antecedents against him and prays for rejection of the application.

5. After hearing both sides and on perusal of the investigation papers it reveals the entire case is based on the circumstantial evidence, as far as the last seen is concerned the name of the present applicant does not reveal from the CCTV footage panchanama. Merely because there was communication between the present applicant and other co-accused is not sufficient to connect him with the alleged offence. Criminal antecedents will also not come in his way to release him on bail as that itself is not sufficient to reject the application. Accordingly, I proceed to pass following order :

ORDER

- (i) The application is allowed.
- (ii) The applicant – Kartik @ Babu s/o. Hemraj Sursaut shall be released on bail in connection with Crime No.419/2024 registered with Police Station M.I.D.C., Nagpur city under Sections 143, 147, 302 read with Section 149 of the Indian Penal Code on executing P.R. Bond of Rs.25,000/- with one surety of like amount.
- (iii) The applicant shall not enter into the jurisdiction of the M.I.D.C. Police Station, Nagpur City till culmination of the trial.
- (iv) The applicant shall not induce, threat or promise any witnesses, who are acquainted with the facts of the case.
- (v) The applicant shall furnish his

Cell-phone number, address alongwith two names of his relatives and their address proof.

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

(vii) The applicant shall attend concerned Police Station once in a month on 5th of every month at M.I.D.C. Police Station and the Police Inspector of the M.I.D.C. Police Station shall record his presence.

(viii) The contravention of any of the condition would be sufficient to cancel the bail of the present applicant.

(ix) Application is disposed of.

(Urmila Joshi-Phalke, J.)