

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1226 OF 2015**[Manish s/o Kishor Mandan vs The State of Maharashtra]**

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

Court's or Judge's orders

Shri N.N.Desale, advocate for applicant
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 24th March, 2015

PER COURT :-

1] This is an application for regular bail filed on by the applicant, in connection with Crime No.151 of 2014, registered at Dhule City Police Station, for the offences punishable under Sections 302, 143, 147, 148, 149 r/w 34 of the Indian Penal Code.

2] Heard learned counsel for the applicant and the learned Additional Public Prosecutor for the respondent/State.

3] The name of the deceased is Akash. The first informant is one Mukesh, who is brother of the deceased.

4] From the prosecution case, it is clear that the present applicant has not assaulted on the vital part of the body of the deceased. The allegations against the present applicant are that he made assault on the legs of the deceased. The cause of death is excessive bleeding.

It is to be noted that statement of the doctor, who is the first person to whom the disclosure was made in respect of the name of present applicant is not recorded by the investigating officer.

5] From the postmortem report also, it is clear that the injuries are not on vital part of the body. Ultimately it will be a debatable question as to whether the applicant could be held responsible for the offence punishable under Section 302 of the Indian Penal Code or not.

6] The investigation is over. Charge sheet is filed. Hence, keeping the applicant in jail during the pendency of the trial will not serve any purpose.

The investigating officer through the learned Additional Public Prosecutor has made a prayer before this court that stringent condition be imposed while releasing the applicant on bail to the effect that, the applicant shall not enter in the territorial jurisdiction of Dhule City police station till the conclusion of the trial. Hence following order.

ORDER

- (i) Application is allowed.
- (ii) The applicant be released on bail on his executing P.R.bond of Rs.10,000/- with two solvent surety in the like amount.
- (iii) Bail before the trial court.
- (iv) The applicant shall not enter the territorial jurisdiction of Dhule City police station till the conclusion of the trial.
- (v) If it is found that the applicant has committed breach of the condition that will give a cause to the prosecution agency to file application for cancellation of the bail.
- (vi) The observations made in this order are prima facie in nature and are restricted to this application only. The learned Judge of the court below shall not get influenced himself by the said observations while deciding the matter on merits.
- (vii) Application is disposed of.

(V.M.DESHPANDE, J.)