

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 500 of 2015
[Siriya Laccha Atram (Gawade) & others Vs. State of Mah]

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

Court's or Judge's orders

Mr. N.R. Bhishikar, Adv., for the Applicants.
Mr. Bangadkar, APP for respondent.

- - - -

CORAM : V.M. DESHPANDE, J.

DATE : 09th September, 2015.

- 01.** This is an application for regular bail.
- 02.** The applicants are facing a charge of committing the murder of Pocha Gunda Made in Crime No. 1/2015 registered with Police Station Zinganur, Distt. Gadchiroli, for the offences punishable under Sections 302, 201, 504, 506 read with Section 34 of Indian Penal Code.
- 03.** The First Information Report is lodged by Kesa

Pocha Made. He is the son of the deceased. The First Information Report is lodged on 6th January, 2015. According to First Information Report, prior to four months of lodging of the report, deceased went to a place along with material for celebrating a festival known as "Maka Festival". After celebration of said festival, all other residents of the village came back. However, father of the first informant failed to return and, therefore, the first informant on the very same day made enquiry in respect of his father. However, no information was given to him.

The First Information Report further states that after two days, the first informant called a Village Panchayat and in the Village Panchayat, it was decided to search for his father and that time the villagers along with the first informant started making search of the father of first informant. That time, the present applicants also participated in the said search. During search, the dead body of the father of first informant was found in a Nullah. Thereafter, the dead body was buried.

After three days from burial, Joga Siriya Atram informed the first informant that the present applicants have committed the murder of his father and he is an eye-witness to the said incident.

Thus, it is clear that after a period of three days from burial, the first informant was knowing that the present applicants have committed the murder of his father. In spite of that, the first informant remained silent for a period of four months and thereafter he lodged a report. An explanation is given in the First

Information Report that since he was under fear, he did not lodge a report.

Even that is accounted in favour of first informant, however, the statement of the eye-witness Joga Siriya Atram is recorded on 19th January, 2015. There is no explanation in the entire charge-sheet as to why Joga, who was the eye-witness to the occurrence, has failed to report the matter to the police. Further, there is a delay of about eleven days in recording his statement from the date of lodging of FIR.

04. The investigation is already over. Charge-sheet is already filed and in view that there is an inordinate delay, which, in my view, prima facie, is not satisfactorily explained, the applicants are required to be released on bail.

05. In the circumstances, Criminal Application [BA] No. 500 of 2015 is allowed.

06. The Applicants, namely [1] Siriya son of Laccha Atram [Gawade], [2] Samaya Inga Made, [3] Sunga Vella Atram, [4] Laccha Rama Made, and [5] Ganesh Chandraya Mudumadigela [6] Mara son of Kesa Made be released on bail on their executing a Personal Bond of Rs.5,000-00 [rupees five thousand only] each with one solvent surety each in connection with Crime No. 1/2015 registered with Police Station Zinganur, Distt. Gadchiroli, for the offences punishable under Sections 302, 201, 504, 506 read with Section 34 of Indian Penal Code.

07. Bail before Trial Court.

Judge

|hedau|