

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

Criminal Application [BA] No.508 of 2015

(Sugat Deepak Bagde

vs.

The State of Maharashtra, through PSO Kotwali, Nagpur)

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

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Court's or Judge's Orders

Mr. Mir Nagman Ali, Advocate for the Applicant.

Mr. A.D. Sonak, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 21, 2015.

Heard Mr. Mir Nagman Ali, learned Counsel for the applicant and Mr. A.D. Sonak, learned Additional Public Prosecutor for the State.

By the present application, the applicant is claiming his release on bail since he is arrested in connection with Crime No. 204/2014, registered at Police Station Kotwali, Nagpur for the offences punishable under sections 302, 109 read with section 34 of the Indian Penal Code and under sections 4 and 25 of the Arms Act.

The applicant is arrested on 14/12/2014 and since then he is in jail. The Investigating Officer has already complete his entire investigation by filing the charge-sheet. The report is lodged by Vikkey, who is the son of deceased Subhash. It is dated 13/12/2014. Occurrence is also of dated 13/12/2014.

The F.I.R. clearly shows that the first informant is an eye-witness. In the F.I.R., the name of the present applicant is not mentioned. According to the first informant, his father was assaulted by means of dangerous weapons by co-accused Viju Channe and Kalim Sheikh.

According to the prosecution, the role against the present applicant is that after the murderous assault on deceased Subhash, the present applicant took the co-accused on his motorcycle and the said motorcycle is seized at the instance of the present applicant. Further the first informant has identified the applicant in the test identification parade.

From the prosecution case, which according to the learned Additional Public Prosecutor, it shows that the present applicant has not participated in the actual assault nor he has instigated any of the accused. Thus, the present applicant is not responsible for the death of Subhash.

In view of completion of the investigation and looking to the nature of the accusation made against the applicant, the applicant can be released on bail.

Applicant-Sugat Deepak Bagde be released on bail on his executing P.R. Bond of Rs.20,000/- with one solvent surety in the like amount before the trial Court in connection with Crime No. 204/2014.

The applicant shall attend Police Station Kotwali, Nagpur once in a fortnight preferably on Wednesday between 03:00 p.m. to 05:00 p.m. till the charge is framed.

The application is allowed and disposed of as such.

JUDGE

**sdw*