

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

Criminal Application [BA] No.512 of 2015

(Kapil Mukundrao Golhe

vs.

The State of Maharashtra, through PSO Frezarpura, Amravati)

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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. N.B. Jawade, Advocate for the Applicant.

Mr. P.V. Bhoyar, A.P.P. for the Non-Applicant/State.

CORAM : V.M. DESHPANDE, J.

DATE : AUGUST 21, 2015.

Heard Mr. N.B. Jawade, learned Counsel for the applicant and Mr. P.V. Bhoyar, learned Additional Public Prosecutor for the State.

This is an application filed under section 439 of the Code of Criminal Procedure for grant of bail.

The applicant is arrested in connection with Crime No.328/2014, registered at Police Station Frezarpura, Amravati for the offences punishable under sections 302, 147, 148 and 149 of the Indian Penal Code.

The investigation is over. The charge-sheet is already filed. The F.I.R. is lodged by Arvind Manwar, who is the friend of deceased Manoj alias Barkat. The F.I.R. is lodged on 24/12/2014 in respect of occurrence of 23/12/2014. The name of the present applicant is not taken in the F.I.R. It has been

stated in the F.I.R. that deceased was attacked by Ashok Sardar and his 8 to 9 associates.

The learned Additional Public Prosecutor fairly submitted that the memorandum statement, on which the clothes of the present applicant are seized, is the incriminating material along with the material in the nature of test identification parade in which the present applicant is identified by the first informant.

Insofar as the test identification parade aspect is concerned, in the test identification parade all the accused persons were put on roll for identification. The applicant was one of them. In the said test identification parade, co-accused Amol was also identified by the first informant. Co-accused Amol is already released on bail by this Court.

In that view of the matter, the said test identification parade is of no use at least to oppose the bail application of the present applicant. Further, in absence of any incriminating material against the present applicant, the liberty of the applicant cannot be curtailed.

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-Kapil Mukundrao Golhe 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. 328/2014.

The applicant shall attend Police Station Frezarpura, Amravati once in a month till the charge is framed by the trial Court preferably on Monday between 03:00 p.m. to 05:00 p.m.

The application is allowed and disposed of as such.

JUDGE

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