

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 466 of 2014
[Raju Narayan Mummaneni & others Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. Shyam Dewani, Adv., for the Applicants.
Mr. T.A. Mirza, APP for respondent no.1.
Mr. Upadhyay, Adv., for respondent no.2.

**CORAM : A.B. CHAUDHARI AND
P.N. DESHMUKH, JJ.**

DATE : 25th February, 2015.

Heard learned counsel for the rival parties.

Learned APP Mr. Mirza for the respondent-State submits that the investigation has been completed and the charge-sheet is ready.

Learned Adv. Mr. Dewani for the applicants vehemently submitted that the applicants were not at the place where the incident is said to have taken place and it is totally a false case only to counter the earlier FIR that was lodged by the applicants against the other side.

Though we appreciate the efforts made by Mr. Dewani to hink over the matter, we find that it is not

possible for us to record a finding and accept the plea of alibi, since it is purely a question which has to be decided on evidence. Ultimately, the applicants may prove to be right, but then under the present jurisdiction, it is not possible for us to enter into that arena and record any finding. That being so, we think, the following order should subserve the ends of justice:-

ORDER

- [a]** Criminal Application No. 466 of 2014 is disposed of.
- [b]** The respondent no.1 is entitled to file a charge-sheet and may do so within a period of four weeks from today.
- [c]** The applicants are at liberty to take such other steps before Trial Court are available in law and in accordance with law after the receipt of copy of charge-sheet.
- [d]** If the application for discharge is made before Trial Court by the applicants, the Trial Court shall consider and decide the same expeditiously.
- [e]** This Court had made an order on 25th July, 2014 that no coercive steps be taken against the applicants. Since the

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investigation has been completed, it is not necessary to have the applicants arrested. The applicants may, therefore, apply before Trial Court for grant of bail and furnish bail bonds accordingly.

[f] The applicants be released on bail upon furnishing a Personal Bond in a sum of Rs.5,000-00 [rupees five thousand only] with one surety in the like amount each.

Judge

Judge

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