

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 593 of 2015
[Vilas Pandurang Kale 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. Navlani, Adv., for the Applicant.
Mr. S.S. Doifode, APP for the respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 04th September, 2015.

01. Heard Mr. P.V. Navlani, learned counsel for the applicant and Mr. S.S. Doifode, learned APP for the State.

02. By the present application, the applicant is claiming for his release from jail since he is arrested in Crime No. 95/15 registered with Police Station, Badnera, Distt. Amravati, for the offences punishable under Sections 302, 307, 504 and 506 read with Section 34 of Indian Penal Code.

03. The investigation is over and the charge-sheet is already filed. The applicant along with other two persons were charged for the aforesaid offences. Initially, the offence was registered under Section 307,

IPC. However, on the death of Raju, the offence is converted into Section 302, IPC.

04. The deceased Raju and the present applicant are close relatives and a dispute arose between them as could be seen from the First Information Report lodged by the present applicant Vilas Kale with the same Police Station vide Crime No. 96 of 2015 in respect of the same incident.

05. Further, from the post-mortem Report, it is clear that it is a case of a single stab. Thus, the present applicant has not taken any undue advantage of the situation. Further, though there is recovery at the hands of the present applicant in view of his statement recorded under Section 23 of the Evidence Act, on perusal thereof, prima facie, in my view much importance cannot be attached to such recovery.

06. In view of the fact that the investigation is already over and in the near future, there is a little possibility of trial being taken up for its consideration, in my view, the application can be considered favourably. That leads me to pass the following order:-

ORDER

[a] Criminal Application [BA] No. 593 of 2015 is allowed.

- [b]** The Applicant - Vilas Pandurang Kale be released on bail on he executing a Personal Bond in the sum of Rs. 25,000/- [rupees twenty-five thousand only] with two solvent sureties in the like amount, in connection with Crime No.95/2015 registered with respondent - Police Station, Badnera, Distt. Amravati, for the offences punishable under Sections 302, 307, 504 and 506 read with Section 34 of Indian Penal Code.
- [c]** That, the Applicant shall attend the Police Station once in a fortnight on Wednesday between 2.00 p.m., and 5.00 p.m. till the culmination of the trial.
- [d]** That the applicant shall not tamper with the prosecution case, nor shall extend any threat to the first informant or any of the prosecution witnesses.

With this the application is allowed and disposed of.

Judge

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