

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

CRIMINAL APPLICATION (BA) NO. 602 OF 2015

(Naresh Baliram Dunedar Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri Rajnish Vyas, Advocate for the applicant.
Shri S. S. Doifode, A.P.P. for the State.

CORAM : V. M. DESHPANDE, J.
: 11 SEPT., 2015

Heard Shri Vyas, learned Counsel for the
applicant and Shri Doifode, learned A.P.P. for the State.

The present applicant is seeking his enlargement
on bail since he is arrested in Crime No.25/2014 registered
with police Station, Arjuni Mor, Distt. GONDIA for the
offences punishable under Sections 302, 307, 143, 144, 147,
148 of the Indian Penal Code and Section 3 of Black Magic
Prevention Act, 2013. The investigation is completed and
charge-sheet is already filed.

The first information report is lodged by one
Chakradhar Pardhi, who is brother of deceased Prakash
Shrwan Pardhi in respect of occurrence dated 09/3/2014.
The FIR is lodged on the very same day. The present
applicant is accused No.2 out of total 11 accused in the
prosecution case. This Court has already released Bhaurao

Dunedar and Dadaji Dunedar by orders dated 10/7/2015 and 25/3/2015, respectively.

Previous statement of Shrawan, who is one of the eye witnesses, does not disclose the name and participation by the present applicant. However, in his another statement, he has attributed role to the present applicant. Likewise, when Vandana's previous statement was recorded, she had stated that she has suspicion against the present applicant. However, no specific role was attributed to the present applicant. In her statement recorded under Section 161 of Cr. P. C., general statement is made against the present applicant.

This Court, while considering the case of Bhaurao Dunedar, has observed that in the previous statement of Vandana, his name was taken. However, in the statement recorded under Section 161 of Cr. P. C., the name and role was attributed against the accused Bhaurao Dunedar. Thus, it is clear that the case of the present applicant is at par with the case of Bhaurao Dunedar and he is entitled to be released on bail.

Looking to the general nature of acquisition made in 161 Cr. P. C. statement of Vandana and looking to the fact that charge-sheet is already filed, further custody of the

present applicant is not necessary. Hence, the order.:

The application is allowed.

Applicant Naresh Baliram Dunedar be released on bail on his executing a P. R. Bond in the sum of Rs.25,000/- (rupees twenty-five thousand only) with one solvent surety in the like amount in connection with Crime No.25/2014 registered with police Station, Arjuni Mor, Distt. GONDIA for the offences punishable under Sections 302, 307, 143, 144, 147, 148 of the Indian Penal Code and Section 3 of Black Magic Prevention Act, 2013.

The applicant shall attend police Station, Arjuni Mor. Distt. Gondia once in a fortnight, i.e. on first and last Saturday of each month till culmination of the trial.

JUDGE