

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

CRIMINAL APPLICATION (BA) NO.614/2015

Roshan Ramesh Sahare ..vs.. State of Maharashtra thr. PSO P.S. Ambajhari, Nagpur

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

Court's or Judge's orders.

Mr. M.M.H. Siddiqui, Advocate for applicant.
Mr. A. K. Bangadkare, A.P.P. for non applicant-State

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 16, 2015.

By the present application, the applicant who is arrested in Crime No.104/2015 registered with Police Station Ambajhari, Dist. Nagpur for an offence punishable under Section 302 of the IPC is claiming his release on bail.

Heard learned counsel for the parties.

The deceased is one Tambi @ Rafil. The FIR is lodged by one Deepak Ambhore, who is maternal uncle of the deceased. The first informant is not an eye witness. Information regarding death of Tambi was intimated to him by Abraham @ Ajju. His statement would also reveal that the said witness is also not an eye witness. He has seen the deceased along with the present applicant and co-accused Abhijit going towards Futala lake on motorcycle. From his statement, it is clear that the deceased, though was in company of the present applicant, he was with them on his own. According to the

prosecution, there are two eye witnesses in the present case. They are Kunal and Shashank. Their statements are recorded belatedly though, they claim that they are witnesses of the actual occurrence. Further, according to the statement of Kunal, he has called a personnel from Crime Branch by making a phone call. However, there is nothing on record to show that the phone call was received by the Crime Branch.

In view of the delay in recording statement of the important eye witness and since, prima facie, there is no explanation for recording their statements belatedly and in view of the fact that the investigation is over, the charge-sheet is already filed, in my view further custodial presence of the applicant is not warranted especially when there is a very little possibility of the trial being taken for its consideration.

In that view of the matter, following order is passed

ORDER

- (i) Criminal Application No.614/2015 is allowed.
- (ii) Applicant–Roshan Ramesh Sahare, be released on bail in connection with Crime No.104/2015 registered with Police Station Ambajhari, Dist. Nagpur for an offence punishable

under Section 302 of the IPC on he executing P.R. Bond in the sum of Rs.25,000/- with two sureties in the like amount.

(iii) Bail before trial Court.

(iv) The applicant shall attend Police Station Ambajhari once in a fortnight on Tuesday till culmination of trial between 3.00 p.m. to 5.00 p.m.

JUDGE

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