

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

CRIMINAL APPLICATION (BA) NO.617 OF 2015

Omprakash S/o Madhu Ilamakar

..vs..

State of Mah., thr PSO Kardha, District Bhandara

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

Court's or Judge's order

Shri D.B. Borkar, counsel for the applicant.
Shri A.K. Bhangadkar, APP for the State.

CORAM : V.M. DESHPANDE, J.

DATE : SEPTEMBER 23, 2015.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.28 of 2015 registered with Police Station Kardha, District Bhandara, for the offences punishable under Sections 302, 304, 312, 314, 201, 109, and 34 of the Indian Penal Code.

Heard Shri D.B. Borkar, learned counsel for the applicant and Shri A.K. Bhangadkar, learned APP for the State.

From the charge-sheet which is filed before the Trial Court, it is clear that first informant named Zuber Khan wald Habib Khan Pathan lodged a report with the Police Station Kardha, District Bhandara against the unknown persons since he

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noticed a dead body of a women in a sack on the bank of river of Vainganga.

During the course of the investigation, the identity of the said lady was disclosed as Yashodhara. It reveals during the course of the investigation that the deceased Yashodhara was having relation with accused No.1 Sumit Lanje and Yashodhara became pregnant due to physical intimacy with said Sumit. The prosecution further proceeded that said Sumit took Yashodhara to accused No.6 who claimed to be a Doctor. The pregnancy was terminated by accused No.6. In the said process said Yashodhara died.

According to the prosecution case, the role of the present applicant is he has extended his help to accused No.6 for disposal of the dead body. It is not the case of the prosecution that in any way the present applicant was responsible for the death of said Yashodahra.

Looking to the aforesaid nature of accusations in the charge-sheet and since the investigation is already over, I see no reason that the applicant should continue his presence in the jail custody. That leads me to pass the following order.

ORDER

- 1] The criminal application is allowed.

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2] Applicant – **Omprakash S/o Madhu Ilamakar** be released on bail in connection with Crime No.28 of 2015 registered with Police Station Officer Kardha, District Bhandara for the offences punishable under Sections 302, 304, 312, 314, 201, 109, and 34 of the Indian Penal Code on he executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties in the like amount.

3] The applicant shall attend the Police Station Officer Kardha, District Bhandara once preferably on second Saturday of every month in between 2.00 pm to 6.00 pm till culmination of the trial.

4] The applicant is prohibited from extending any threat to the witnesses

5] Bail before the Trial Court.

The criminal application is disposed of as such.

JUDGE

!! BRW !!

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