

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

CRIMINAL APPLICATION (BA) NO.644 OF 2015

Mahesh S/o Namdeorao Shirsam

..vs..

State of Mah.

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

Court's or Judge's Order

Shri Parag Bezalwar, counsel for the applicant.

Shri R.S. Nayak, Additional Public Prosecutor for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 5, 2015.

Heard.

In pursuance to order dated 30.9.2015,
Assistant Police Inspector, Sonegaon Police Station, Nagpur
Shri S.B. Nale is personally present before this Court.

Shri S.B. Nale, Assistant Police Inspector,
Sonegaon Police Station, Nagpur explains that due to
communication gap, he could not give any instruction to
learned Additional Public Prosecutor. He assures that, in
future, no such laches will be committed on the part of the
police authorities.

Statement is accepted.

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.76 of 2015 registered with Police

.....2/-

Station Officer, Police Station Sonegaon, Nagpur for the offences punishable under Sections 307, 392, 201, 109, and 34 of the Indian Penal Code.

Heard learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State.

With the assistance of learned Additional Public Prosecutor for the State, I have gone through the FIR lodged at the instance of one Sau. Vandana Purushottam Paunikar. According the FIR, her husband was assaulted by means of knife and a golden chain, which Vandana wore, was snatched away.

The name of the present applicant is not stated as an assailant. The first informant has attributed one person named Lucky inflicting a dagger blow and snatching away her golden chain.

Learned Additional Public Prosecutor for the non-applicant/State, on the instructions of the investigations officer who is personally present before this Court, fairly submits that no role has been attributed against the present applicant by the first informant. He further submits that after giving a dagger blow, by assailant named Lucky on the husband of the first informant, said Lucky made a phone call to the present applicant requesting the present applicant to provide wearing clothes and those

clothes are provided by the present applicant. That is the only role which has been attributed to the present applicant.

Looking to such role played by the present applicant, this Court is of the view that the present applicant has carved out a case in his favour for grant of bail and since I see no reason that the applicant should continue his presence in the jail custody, I proceed to pass the following order:-

ORDER

1] The criminal application is allowed.

2] Applicant – Mahesh S/o Namdeorao Shirsam be released on bail in connection with Crime No.76 of 2015 registered with Police Station Officer, Police Station Sonegaon, Nagpur for the offences punishable under Sections 307, 392, 201, 109, and 34 of the Indian Penal Code on his executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two solvent sureties in the like amount.

3] The applicant shall attend the concerned police station once a week and preferably on every Saturday between 3:00 pm and 5:00 pm, till the charge-sheet is filed.

4] The applicant is prohibited from extending any threat whatsoever in the nature to the witnesses/first informant.

5] Breach of the conditions will give rise cause to the prosecution to apply for cancellation of bail.

6] Bail before the Trial Court.

The criminal application is disposed in aforesaid terms.

JUDGE

!! BRW !!

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