

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

CRIMINAL APPLICATION (BA) NO.663/2015

(Sunil Tulshiram Portoke..vs..State of Maharashtra, through PSO P. S. Deoli, Wardha)

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

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for applicant.
Mr. V. A. Thakare, A.P.P. for non applicant.

CORAM : V. M. DESHPANDE, J.
DATE : SEPTEMBER 29, 2015.

This is an application for regular bail. The applicant is arrested in connection with Crime No.101/2014 registered with Police Station, Deoli, Dist. Wardha for an offence punishable under Section 302,307,143,147, 148, 149 of the Indian Penal Code.

Heard Mr.Rai, learned counsel for the applicant and Mr. Thakare, A.P.P. for non applicant-State in extenso.

The deceased is Prashant. The FIR is lodged by his father whose name is Uttam Narnavre. From the FIR, it is clear that the first informant is not an eye witness and he has received information about assault on his son by the present applicant and other co-accused persons.

From the statement of the prosecution witness, it is clear that the deceased was not having mental equilibrium and he used to behave at randomly. He was in habit of making assaults,

smashing glass panels of the vehicles and abusing the women folk of the village.

According to the investigation, there are two eye witnesses, Purushottam Thakare and Bhaiyaji Choure. They claim that they are eye witnesses. However, for the reasons best known to the Investigating officer, their statements are recorded at belated stage. Further, their statements would reveal that they immediately reported the matter to the prosecution witness Vijay Khotale, the Police Patil. The statement of Vijay Khotale has also been recorded. His statement would reveal that though the fact of assault was reported to him, he is completely silent in his statement that Purushottam and Bhaiyaji disclosed the name of the applicant as one of the assailants.

In that view of the matter, prima facie case is made out by the applicant for his release on bail. Hence, following order is passed.

ORDER

(i) Criminal Application No.663/2015 is allowed.

(ii) The applicant-Sunil Tulsiram Portoke, be released on bail in connection with Crime No.101/2014 for an offence punishable under Sections 302, 307, 143, 147, 148 and 149 of the Indian Penal Code registered with Police Station

Deoli, Dist. Wardha on he executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

(ii) Bail before trial Court.

(iii) The applicant shall attend Police Station, Deoli once in a fortnight till culmination of the trial. The applicant shall attend Police Station, Deoli between 3.00 p.m. to 5.00 p.m.

JUDGE

kahale