

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.667 of 2015
[Sanjay Madhukar Neware Vs. State of Mah.]

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

Court's or Judge's orders

Mr. A.S. Band, Adv., for the Applicant.
Mr. Anil Laddhad, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 07th October, 2015.

Heard learned counsel Mr. Band for the applicant as well as learned APP Mr. Anil Laddhad for the respondent – State.

The applicant is seeking his enlargement on bail in connection with Crime No. 54/2015 registered with Police Station, Yavatmal [Rural], for the offences punishable under Sections 302, 201, 109, 147, 148 and 149 read with Section 34 of Indian Penal Code,

The First Information Report was registered by Mr. A.D. Doifode, Police Officer, who received an information on phone that a dead body of an unknown person was lying near Deccan Sugar Factory on Yavatmal-Arni Road. On this, an offence was registered against unknown person. During investigations, the

identity of the deceased was established as Sarfaraz. According to the prosecution case, the statement of prosecution witness Vishnu Raut shows that the applicant was one of the four persons who assaulted deceased Baba alias Sarafraz. Perusal of his statement would reveal that he has not attributed any role to the present applicant, namely that he assaulted the deceased by any weapon.

Learned APP submitted that though there are statements of other eye-witnesses, the name of the present applicant is not taken by them and according to learned APP those witnesses were not knowing the present applicant. However, Test Identification Parade was not conducted by the investigating agency.

Learned APP further submitted that there is no recovery of any weapon at the behest of the present applicant. On the contrary, deadly weapons are discovered at the instance of the other co-accused persons who are in jail.

Looking to the role as described by the eye-witness Vishnu Raut in his statement, which is general in nature and since there is no recovery of any weapon at the behest of the applicant and further that the investigation is already over, the application of the applicant can be considered favourably. Hence the following order:-

ORDER

- [a]** Criminal Application [BA] No. 667 of 2015 is allowed.
- [b]** The applicant - Sanjay Madhukar Neware be released on bail on he executing a personal bond of Rs. 25,000/- [rupees twenty-five thousand only] with two solvent sureties in the like amount in connection with Crime No. 54/2015 registered with Police Station, Yavatmal [Rural], for offences punishable under Sections 302, 201, 109, 147, 148 and 149 of Indian Penal Code.
- [c]** The Applicant to attend the Police Station once in a fortnight, i.e., on first and third Saturday of every month between 3.00 p.m., and 5.00 p.m. till the culmination of trial.

With this, the application is allowed and disposed of.

Cri. Applns. [APPP] Nos. 989 & 1094 both of 2015 :

In view of the foregoing order, the first application which is for grant of time to file a certified

copy of the charge-sheet and the latter for permission to file a copy of the charge-sheet are allowed and disposed of.

Judge

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