

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No.685 of 2015
[Dilip Ratanlal Mdane 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.C. Jaltare, Adv., for the Applicant.
Mr. S.S. Doifode, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 07th October, 2015.

By the present application, the applicant is seeking his enlargement on bail since he is arrested in Crime No. 84 of 2015 registered with Police Station, Saoner, Distt. Nagpur, for the offences punishable under Sections 302 and 120-B read with Section 34 of Indian Penal Code. .

According to the Final Report, which the Investigating Officer has filed before the learned Magistrate at Saoner, the First Information Report is lodged by Nikhil who is one of the close relatives of deceased Chirkut Mouje. From the First Information Report, it is crystal clear that the first informant is not an eye-witness. His First Information Report discloses that he received an information from the labours by names Tukaram Raut and Bhushan Deshmukh, who were

working at the construction site of the deceased, that two persons came on the spot and they made a murderous assault on the deceased. The First Information Report states that there was a long-standing dispute between the co-accused Firoz and the deceased. Co-accused Firoz is one of the tenants of the deceased.

The statements of eye-witnesses Bhushan and Tukaram show that the role of murderous assault is attributed to co-accused Firoz. The said two eye-witnesses only attribute the presence of the applicant. No overt act is attributed against the applicant.

Since no role is attributed against the present applicant in respect of actual assault, and as the charge-sheet is already filed, the application of the applicant can be considered favourably.

ORDER

- [a]** Criminal Application [BA] No. 685 of 2015 is allowed.
- [b]** The applicant - Dilip Ratanlal Madane 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 respect of Crime No. 84/2015 registered with Police Station, Saoner, Distt. Nagpur,

for offences punishable under Sections 302 and 120-B read with Section 34 of Indian Penal Code.

[c] Bail before Trial Court.

[c] The Applicant shall attend the Police Station once in a week i.e., on every Wednesday between 2.00 p.m., and 5.00 p.m., till the charges are framed by the Trial Court, and he shall abide by further conditions imposed by the Trial Court.

With this, the application is allowed and disposed of.

Judge

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