

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

Criminal Application (BA) No. 772 of 2015

(Kishor s/o Uttamrao Sardar Vs. State of Mah. Through its P.S.O., Frezarpura
P.S., District Amravati)

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

Court's or Judge's order

Shri Anil Mardikar, Senior Advocate with Shri S. G. Joshi,
Advocate for the applicant
Shri P. V. Bhoyar, APP for the State/non-applicant

CORAM : V. M. DESHPANDE, J.

DATE : 30-10-2015.

Heard Shri Mardikar, learned Senior Counsel
appearing with Shri S. G. Joshi, Advocate for the
applicant and Shri Bhoyar, learned Additional Public
Prosecutor for the State/non-applicant.

2. By the present application, the applicant is
seeking his release on bail in connection with Crime
No. 328/2014 registered with Police Station,
Frezarpura, District Amravati for the offences
punishable under Sections 302, 147, 148 and 149 of
the Indian Penal Code.

3. The investigation is over and charge-sheet is
already filed. First Information Report (FIR) is
lodged on 24-12-2014 in respect of the incident
dated 23-12-2014. The name of the applicant is not

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appearing in the FIR. But FIR is very specific that the deceased was attacked by Ashok Sardar and his other associates.

4. Learned Additional Public Prosecutor submitted that the present applicant was identified by the prosecution witness and there is eye witness account in the prosecution case.

5. Co-accused Amol and Kapil were identified during the test identification parade, however, they are released on bail on 9-7-2015 and 21-8-2015. The role attributed to the present applicant is he along with Amol and Kapil caused to fell down the deceased on the ground. It is thus clear that applicant is required to be considered at par with the other co-accused. Further, looking to the role of the applicant, his custodial presence is not warranted. In that view of the matter, the application is allowed.

6. The applicant Kishor s/o Uttamrao Sardar be released on bail on his executing P.R. bond in the sum of Rs. 25,000/- with one solvent surety in the like amount.

7. Bail before the trial Court.

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8. The applicant shall attend the Police Station Frezarpura, District Amravati twice in a month i.e. on every first and third Sunday in between 3.00 to 5.00 p.m..

9. The applicant shall not contact the prosecution witness nor tamper the prosecution case.

The application is allowed and disposed of.

JUDGE

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