

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

CRIMINAL APPLICATION (BA) NO.850/2015

(Tarun @ Bablu s/o Sanjay Jain ..vs.. State of Maharashtra, through PSO P. S.
Kanhana, Tq. Dist. Nagpur.)

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

Court's or Judge's orders.

Mr. A. A. Naik, A.P.P. for applicant.
Mr. T. A. Mirza, A.P.P. for non applicant-State.
Mr. C. R. Thakur, Advocate for intervenor.

CORAM : A. B. CHAUDHARI, J.
DATE : DECEMBER 11, 2015.

Heard.

The applicant is arrested in Crime No.139/2014 registered with Police Station, Kanhana, Dist. Nagpur for an offence punishable under Sections 143, 147, 148, 149, 302, 307 of the IPC and Sections 3, 4, 25 of the Arms Act.

Admittedly, till the filing of the charge-sheet, the applicant was not identified as the person amongst the assailants. It is only after filing of the charge-sheet, after a period of one year, during the test identification parade, it is said that complainant has identified the applicant as one of the assailants.

Prima facie, there is undue delay in conducting the test identification parade wherein the applicant is said to have been identified to be one of the assailants. Looking to the settled legal position regarding the delay in holding the parade, that too

after filing of the charge-sheet, the applicant is entitled to grant of bail. Hence, following order is passed.

ORDER

(i) Criminal Application (BA) No.850/2015 is allowed.

(ii) The applicant-Tarun @ Bablu s/o Sanjay Jain be released on bail in connection with Crime No.139/2014 registered with Police Station, Kanhan, Dist. Nagpur for an offence punishable under Sections 143, 147, 148, 149, 302, 307 of the IPC and Sections 3, 4, 25 of the Arms Act, on he executing P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

JUDGE