

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (BA) NO.853/2105**

(Kapil Pappuji Shinde ..vs.. State of Maharashtra, thr. PSO P.S.Panchpaoli, 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. C. Jaltare, Advocate for applicant.

Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.

DATE : DECEMBER 4, 2015.

Heard learned counsel for the parties.

Perused the FIR as well as statements.

The applicant has been arrested in Crime No.229/2015 registered with Police Station, Panchpaoli, Nagpur for an offence punishable under Section 302 read with Section 34 of the IPC.

Upon perusal of the statements and the FIR it seems that the applicant had surrounded the deceased along with others is an insertion. The original statement was that he was standing nearby. At any rate, the fatal blow was not given by the applicant, but it was given by the main accused by name Pappu Shinde. At this stage, it would not, therefore, be appropriate to continue his detention in the light of the prima facie case made out as above by the applicant for his release on bail.

In view of above, following order is passed.

ORDER

- (i) Criminal Application (BA) No.853/2015 is allowed
- (ii) The applicant-Kapil s/o Pappuji Shinde be released on bail in Crime No.229/2015 registered with Police Station, Panchpaoli, Nagpur for an offence punishable under Section 302 read with Section 34 of the IPC on he executing PR Bond in the sum of Rs.20,000/- with one surety in the like amount.
- (iii) The applicant shall attend the Police Station, Panchpaoli, Nagpur as and when required by the Investigating Officer.
- (iv) The applicant shall not tamper with the prosecution evidence.

JUDGE