

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 5 OF 2016

(DNYANESHWAR MANIKRAO PABLE...VS..STATE OF MAH. THR. PSO PS, TALEGAON (SHAMJI
PANT), DIST. WARDHA)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 17, 2016.

Heard Shri Mahesh Rai, advocate for the
applicant and Shri M.J. Khan, A.P.P. for the non-applicant.

The applicant is arrested in the crime registered against him for the offence punishable under Section 302 r/w 34 of the Indian Penal Code. There has been a long standing dispute between the present applicant and the deceased on the point of boundary of the agricultural field. According to the prosecution, Sandeep Tukaram Pote has stated that the applicant had called him and stated that he had finished Ashok Mahadeorao Pardhekar(deceased). The application filed by the applicant is opposed relying on the extra-judicial confession and the call details collected during the investigation showing that the applicant had called Sandeep Tukaram Pote at about 14.31 hrs. The prosecution further relies on the statement of Gajanan Krushnarao Kanthale who stated that two persons inflicted blows on the head of deceased Ashok and the fact that the applicant is identified by Gajanan Krushnarao Kanthale. It is relevant that according to the prosecution Gajanan Kanthale is not resident of village where the incident has taken place.

Considering the age of the applicant and the fact that chargesheet is already filed and the non-applicant has not been able to show that the custody of the applicant is required for further investigation, in my view, the applicant is entitled for being released on bail.

Hence, the following order :

- i) The applicant having been arrested in connection with Crime No. 40 of 2015, registered by the non-applicant, he be released on bail on furnishing P.R. Bond of Rs.Twenty Five Thousand and two solvent sureties in the like amount. Out of two solvent sureties one solvent surety shall be by a resident of Jalgaon (Belora), Tahsil : Arvi, District : Wardha.
- ii) The applicant shall regularly attend every date of the sessions trial unless exemption is granted by the Sessions Court.
- iii) In default on the part of the applicant to attend on any date of the sessions trial, without seeking exemption from the Sessions Court, this order shall stand recalled.

The application is allowed in the above terms.

CRI.APPLN. (APPP) NO. 46/2016

In view of disposal of the main application, the application for dispensing with filing of the affidavit of the

relative and say of APP and copy of FIR does not survive,
hence, it is disposed of.

JUDGE

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