

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

CRIMINAL APPLICATION (ABA) NO.53 OF 2016

(Siddharth s/o Gautam Nimsatkar ..vs.. The State of Maharashtra, through PSO, PS Ballarsha, District Chandrapur)

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 : 11-03-2016

Heard Shri Lubesh Meshram, Advocate for the applicant and Shri N.B. Jawade, Additional Public Prosecutor for the non-applicant.

2. The applicant is seeking pre-arrest bail apprehending arrest in crime registered against him for offence punishable under Section 306 read with Section 34 of the Indian Penal Code.

3. The accusations against the applicant are that some dispute had arisen between the applicant, his friend Ku. Sajjo Sheikh and deceased Pooja and the applicant was continuously harassing her. The case of the prosecution is that the call details report shows that just prior to the incident the applicant talked with deceased Pooja for 743 seconds and it shows that there is a live link between the accused and the incident. It is further submitted that earlier also deceased Pooja had made complaints against the applicant, however on

assurance given by the family members of the applicant, no action was taken against the applicant.

4. After considering the facts on the record and the submissions made by the learned Additional Public Prosecutor, I find that the non-applicant has not been able to show that the custody of the applicant is required for further investigation. This Court granted interim protection to the applicant by the order dated 01-02-2016 and it is not the case of the non-applicant that the applicant has not co-operated with the investigation or has misused the liberty. In my view, the interim order passed on 01-02-2016 is required to be confirmed.

5. Hence, the following order :

- i) In the event of arrest in crime registered by the non-applicant, the applicant be released on bail, on furnishing P.R. Bond for Rs.10,000/- and one solvent surety in the like amount. The solvent surety shall be furnished either by father or mother or brother or sister of the applicant.
- ii) After filing of the charge-sheet, the applicant shall regularly attend the sessions trial unless exemption is granted by the Sessions Court. In case, the applicant fails to attend any date of sessions trial without seeking exemption from the Sessions Court, this order shall stand recalled.

- iii) The application is allowed in the above terms.

JUDGE

pma