

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

CRIMINAL APPLICATION (ABA) NO. 90 OF 2016

(SHUBHAM ALIAS AJAY VINAYAK JAWARE...VS..THE STATE OF MAH. THR. PSO MALKAPUR)

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 : MARCH 11, 2016.

Heard Shri S.A.Chaudhari, advocate for the applicant and Shri R.S. Nayak, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail apprehending arrest in the crime registered against him for the offences punishable under Sections 144, 148, 149, 302, 324, 307 of the Indian Penal Code and Sections 4 and 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act.

According to the prosecution 12 persons (including the applicant) assaulted deceased Mohan using weapons like stick, sword, hockey-stick, knife and iron rod. According to the prosecution, the assault was the result of the dispute/ altercation which took place on road because of the alleged wrong parking of tractor on road by Vishal Jaware (co-accused).

Considering the nature of the incident, the nature of accusations against the applicant, the fact that the applicant is aged about 19 years and is student undertaking his education at different town i.e. Malkapur and the fact that

the non-applicant has not been able to show that the custody of the applicant is required for investigation, in my view, the interim order granted by this Court on 12th February, 2016 required to be confirmed.

Hence, the following order :

- i) In the event of arrest in Crime No.85 of 2015 registered by the non-applicant he be released on bail on furnishing P.R. Bond for Rs.Twenty Thousand and one solvent surety in the like amount.
- ii) The applicant shall not enter village Jamul Dhaba without prior written permission of the Investigating Officer.
- iii) After the charge-sheet is filed, the applicant shall attend every date of the sessions trial before the Sessions Court, unless granted exemption by the Sessions Court. If the applicant fails to attend any date of the sessions trial, without obtaining exemption from the Sessions Court, this order shall stand recalled.

The application is allowed in the above terms.

CRI. APPLN.(APPP) NO.193/2016.

In view of disposal of the main application, the instant application for grant of time to file say of prosecution has become infructuous, hence, it is disposed of.

JUDGE