

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

CRIMINAL APPLICATION (BA) NO. 103 OF 2016

(LAXMAN @ LACHIRAM @ LACHI TOTARAM RATHOD...VS..STATE OF MAH. THR. PSO PS UMRED,
 NAGPUR)

 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 : APRIL 01, 2016.

Heard Shri Mir Nagman Ali, advocate for the
 applicant and Shri S.M.Bhagde, A.P.P. for the non-applicant.

The applicant is arrested on 15th June, 2015 in
 the crime registered by the non-applicant for the offence
 punishable under Sections 302, 143, 147, 148, 149, 201 and
 449 of the Indian Penal Code. The crime is registered against
 the applicant and seven others.

The accusations are that the applicant and co-
 accused assaulted deceased Shalik Jadhav at about 2.00 a.m.
 in the night between 13th May, 2014 and 14th May, 2014.
 According to the prosecution, Rekha Jadhav (wife of brother
 of the deceased) is an eyewitness.

The learned advocate for the applicant has
 submitted that the version of alleged eyewitness Rekha
 Jadhav does not inspire confidence and the events narrated
 by her appear to be improbable. It is submitted that though
 Ramprasad Jadhav-husband of Rekha Jadhav was sleeping in
 the same house from where Rekha has witnessed the incident
 as per her statement, there is no apparent reason as to why

Rekha Jadhav had not woken him up and informed him about the brutal attack on deceased Shalik and he is informed about it only at 4.00 a.m. when he got up, as recorded in the statement of Rekha Jadhav.

The charge-sheet is filed on 7th August, 2015. The non-applicant has not been able to show that the custody of the applicant is required for further investigation. In my view, considering the facts on record, the applicant is entitled to be released on bail.

Hence, the following order :

- i) The applicant having been arrested in Crime No. 61 of 2015, registered by the non-applicant, he be released on bail on furnishing P.R. Bond for Rs.Twenty Five Thousand and two solvent sureties in the like amount.
- ii) The applicant shall attend every date of the sessions trial before the Sessions Court, unless granted exemption by the Sessions Court.

The application is allowed in the above terms.

CRI.APPLN.(APPP) NOS.209/16 & 210/16.

In view of disposal of the main application, the applications for grant of time to file copy of say and certified copy of PF Order and certified copy of charge-sheet have become infructuous, hence, both the applications are disposed of.

JUDGE