

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

CRIMINAL APPLICATION (BA) NO.145/2016

Sachin S/o Bhimrao Wankhade

..Versus..

State of Maharashtra, through Police Station Officer, Telhara, Tq. Telhara, Distt.
Akola

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.

DATE : 23.3.2016

Heard Shri J.B. Gandhi, advocate for the applicant and Shri
S.M. Bhagde, A.P.P. for the non-applicant.

The applicant is arrested in crime registered against him for
the offence punishable under Section 302, 201 read with 34 of the
Indian Penal Code.

The application is opposed on the ground that there is dying
declaration of deceased, made to Yogesh Kukde, Nivruti Kukde,
Praveen Kukde and Gopal Kukde who took him from Telhara to
Akola. It is stated that Pramod Janjal and Satish Ghule are eye
witnesses and their statements show that the offence is committed
by the applicant. It is further submitted that the weapon has been
recovered under Section 27 of the Indian Evidence Act and the

doctor opined that the injuries found on the person of deceased might have been inflicted by the weapon which is recovered.

Initially, the crime was registered against unknown person. According to the non-applicant, in the investigation it is found that the applicant has committed the offence and, therefore, he is arrested.

The charge-sheet is filed on 11th December, 2015. Considering the facts on the record and as the non-applicant has not been able to show that the custody of applicant is required for further investigation, in my view, the applicant is entitled to be released on bail.

Hence, the following order:

- (i) The applicant having been arrested in Crime No.96/2015 registered by the non-applicant, he be released on bail on furnishing P.R. bond for Rs.20,000/- (Rs. Twenty Thousand Only) and two solvent sureties in the like amount.
- (ii) The applicant shall attend the sessions trial regularly. In default on the part of the applicant to attend any date of sessions trial before the Sessions Court, without seeking exemption from the Sessions Court, this order shall stand recalled.
- (iii) The application is **allowed** in the above terms.

JUDGE

Tambaskar.