

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

CRIMINAL APPLICATION (BA) NO.230/2016

Rahul s/o Chaganlal Shimle

..Versus..

State of Maharashtra, through Kotawali, Police Station, 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.

DATE : 5.5.2016

Heard Shri P.S. Wathore, advocate for the applicant and
Shri S.S. Doifode, A.P.P. for the non-applicant.

The applicant is arrested on 6th January, 2016 in crime
registered against him and co-accused for the offences punishable
under Sections 143, 147, 148, 149, 394, 397, 302 and 201 of the
Indian Penal Code, Section 135 of the Maharashtra Police Act and
under Section 3 of the Maharashtra Control of Organized Crime
Act.

The application is opposed on the ground that the applicant
is a member of a gang which is indulging in unlawful activity and
earlier also Crime No.155/2013, Crime No.186/2006 and Crime
No.25/2009 are registered against the applicant. It is submitted on
behalf of the applicant that the applicant is acquitted in the earlier
crimes.

The learned advocate for the applicant submits that except
for one co-accused - Nitin Shimle all other co-accused are released
on bail. The charge-sheet is filed. The non-applicant has not been
able to show that the custody of applicant is required for further

investigation.

Considering the facts on the record, I am of the view that the applicant is entitled to be released on bail, however, on certain conditions:

- (i) The applicant having been arrested in Crime No.104/2014, he be released on bail on furnishing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand Only) and two solvent sureties in the like amount.
- (ii) The applicant shall reside out of Nagpur district till the trial is completed.
- (iii) The applicant shall give details of his address where he will be residing and the cell phone number of the applicant and his wife.
- (iv) The applicant shall attend the sessions trial regularly on every date, unless granted exemption by the Sessions Court.

In default on the part of the applicant to attend the sessions trial on any date without seeking exemption from the Sessions Court, this order shall stand recalled.

- (v) The application is **allowed** in the above terms.

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In view of disposal of main application, this application does not survive and is **disposed** accordingly.

JUDGE