

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

CRIMINAL APPLICATION (BA) NO.328/2016

Rahul s/o Sureshrao Harde

..Versus..

State of Maharashtra, through Police Station Officer, Police Station Sakkardara,
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 : 13.5.2016

Heard Shri R.B. Gaikwad, advocate for the applicant and
Ms. P.D. Rane, A.P.P. for the non-applicant.

The applicant is arrested on 26th November, 2015 in crime registered against him and Ku. Sneha Manoj Karmarkar for the offence punishable under Sections 302, 325 and 34 of the Indian Penal Code. According to the prosecution, the applicant and co-accused are running a job center and the victim was assured of placement in a company with salary of Rs.7,000/- per month. It is alleged that when the victim approached his employer and requested for advance payment, victim was told that he would be paid by the applicant and when the victim went to the office of the applicant and requested for advance payment, the applicant and

co-accused assaulted him mercilessly. According to the prosecution, in order to save himself from merciless beating by the applicant and co-accused, the victim jumped from the office premises and suffered injuries to which he succumbed.

The application is opposed on the ground that there are eye witnesses who have stated about involvement of the applicant in the crime.

The learned advocate for the applicant has submitted that the statements of the alleged witnesses refer to the alleged beating by the applicant and it is not the case of the prosecution that the applicant has thrown the victim from the office premises.

The investigation is complete. The charge-sheet is filed on 22nd February, 2016. Co-accused Sneha is released on bail pursuant to the order passed by this Court on 27th January, 2016. The non-applicant has not been able to show that the custody of applicant is required for further investigation.

In view of 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.311/2015 registered by the non-applicant, he be released on bail on

furnishing P.R. bond for Rs.25,000/- and two solvent sureties in the like amount.

(ii) The applicant shall deposit his passport with the Investigating Officer within one week of his release on bail.

(iii) If the passport authority has not issued the passport in the name of the applicant, an affidavit to that effect shall be filed by the applicant before the Sessions Court within one week of his release on bail.

(iv) The applicant shall regularly attend the sessions trial on every date unless granted exemption by the Sessions Court.

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

JUDGE

Tambaskar.