

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

CRIMINAL APPLICATION (BA) NO. 449 OF 2016

(Dharashingh Sangatsingh Dudhani Vs. The State of Maharashtra)

WITH

CRIMINAL APPLICATION (BA) NO. 450 OF 2016

(Amitabhsingh @ Bugli @ Golu s/o Santosh Singh Juni Vs. The State of Maharashtra)

WITH

CRIMINAL APPLICATION (BA) NO. 346 OF 2016

(Hardipsingh Harijitsingh Juni Vs. The State of Maharashtra)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A. C. Jaltare, Advocate for the applicants in B.A. Nos.449 & 450 of 2016)
Shri S. S. Dhengale, Advocate for the applicant in B.A. No.346 of 2016.
Shri R. S. Nayak, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 08 AUGUST, 2016

BA NO. 346 OF 2016 :

Leave to correct the name of the applicant is granted. Amendment to be carried out forthwith.

BA NOS. 449, 450 & 346 OF 2016 :

Heard learned Counsel for the respective applicants and learned A.P.P. for the State. Perused the charge sheet.

It is seen from the charge sheet that although the applicants in criminal application (B.A.) Nos. 449 and 450 of 2016 have been identified by the witnesses, the statement of the witnesses disclose that the persons who had come to the spot of incident had covered their faces by means of scarf. Obviously, some doubt would arise in the identification done

by the witnesses. There is no other evidence which would prima facie incriminate these applicants in the crimes registered against them. That apart, there are no criminal antecedents alleged against these applicants, i.e. Dharashing and Amitabhsingh. However, that is not so with the case of the applicant in criminal application (BA) No.346 of 2016. The finger prints of this applicant have been found on the broken brass lock, apart from his identification done by the witnesses. Then, there are also criminal cases pending against this applicant, Hardipsingh Harijitsingh Juni. This fact is also mentioned in the charge-sheet itself. Therefore, the applicant Hardipsingh would not be entitled to be released on bail. Whereas, the other two applicants, namely Dharasingh and Amitabhsingh would be entitled to be released on bail. Hence, the order.:

Criminal Application (BA) Nos. 449 and 450 of 2016 are allowed and it is directed that these two applicants be released on bail on each of them executing a P. R. Bond in the sum of Rs.25,000/- together with one solvent surety in the like amount.

Criminal Application (BA) No. 346 of 2016 stands rejected.

CERTIFICATE

“I certify that this order uploaded is a true and correct
copy of original signed order.”

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