

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

CRIMINAL APPLICATION (BA) NO.437/2016

Vivek s/o Rajkishor Tiwari ..vs.. State of Maharashtra through PSO P. S. Wadgaon
Raod, Yavatmal

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

Court's or Judge's orders

Mr. A. S. Mardikar, Senior Advocate with Mr. M. P. Kariya, Advocate
for applicant.

Mr. Dubey, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATE : JUNE 15, 2016

Heard learned counsel for the parties.

This is an application for regular bail. The applicant was arrested in connection with Crime No.40/2016, registered with Police Station Wadgaon Road, Yavatmal for an offence punishable under Section 302, 341, 323, 504 read with Section 34 of the IPC.

Learned Senior Counsel for the applicant submitted that the main accused, against whom the specific averments are made by the first informant insofar as death of Sachin Bendre is concerned, is already released on bail by the trial Court on 29.02.2016. He, therefore, submitted that the applicant is entailed to be released on bail especially when there are no allegations against the present applicant that he is responsible for the death of Sachin Bendre.

As per the prosecution case, when the first informant and deceased Sachin Bendre were proceeding on their motorcycle, one four wheeler – Indica Vista made overtake and accused Rahul Trivedi then assaulted Sachin Bendre by fist and kick blows, resulting into his death.

The FIR does not reflect that the present applicant was responsible for the death of Sachin. The applicant also invited my attention to a document by which the deceased was admitted to the hospital. The said document shows that the deceased was brought dead to the hospital with history of road traffic accident. This aspect of the matter was considered by the learned Judge of the Court below while releasing Rahul Trivedi.

In that view of the matter, the applicant is entitled to be released on bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.437/2016 is allowed.
- (ii) Applicant-Vivek s/o Rajkishor Tiwari be released on bail in connection with Crime No.40/2016, registered with Police Station Wadgaon Road, Yavatmal for an offence punishable under Section 302, 341, 323, 504 read with Section 34 of the IPC, on he executing P.R. Bond in the sum of Rs.25,000/- with two sureties in the like amount.
- (ii) The applicant shall attend Police Station Wadgaon Road, Yavatmal twice in a week i.e. on every Tuesday and Saturday between 3.00 p.m. and 5.00 p.m. till the trial is over.
- (iii) The applicant shall not extend any kind of threat to the prosecution witnesses.

JUDGE