

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

CRIMINAL APPLICATION (BA) NO.661 OF 2016

(Shiva @ Shivaji @ Boss s/o Vasanta Gonewar 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 R. M. Daga, Advocate for the applicant.
Shri T. A. Mirza, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.
DATED : AUGUST 30, 2016

Heard learned Counsel for the applicant and learned A.P.P. for the State. Perused the first information report, case-diary and the charge-sheet, the copy of which has been made available for perusal by the learned Counsel for the applicant.

It is seen that in this case, the complainant herself is not sure as to who were the assailants. There is one witness, Pandurang, who says that he saw this applicant as present at the spot of incident and assaulting deceased Rahul. But, he mentions that accused by name Shiva @ Shivaji was resident of Ghuggus. The applicant's address has been shown in the charge-sheet as that of resident of Ward No.3, Nakoda, Chandrapur. These two places, i.e. Ward No.3, Nakoda, Chandrapur and Ghuggus are distinct. There is no evidence to show that this

applicant is resident of Ghuggus or the witness Pandurang has mistook the residence of this applicant as of Ghuggus. No identification parade has been held to enable Pandurang to identify this applicant as the same person. The investigation is already over. In these circumstances, I am of the view that this applicant deserved to be released on bail. Hence, the order.

The application is allowed.

It is directed that the applicant be released on bail on his furnishing a P. R. Bond in the sum of Rs.20,000/- together with one solvent surety in the like amount on the conditions that he shall attend regularly the Court on the dates fixed in the matter, shall cooperate with the Court in expeditious disposal of the case against him and shall not tamper with the prosecution witnesses.

JUDGE

CERTIFICATE

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

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