

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (BA) NO.852/2015**

**(Swapnil Mulchandji Deshbhratar ..vs.. State of Maharashtra, through PSO P. S.
Kalamna, Nagpur)**

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

Court's or Judge's orders.

Mr. R. M. Daga with Mr. A. c. Jaltare, Advocates for
applicant.

Mr. S. S. Doifode, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.

DATE : JANUARY 28, 2016

Heard learned counsel for the rival parties.
Perused the statements as well as FIR. The applicant was
arrested along with two others on 10.10.2014 and is in jail
since then. The charge-sheet has been filed after
completion of investigation. The allegations are that the
sister of the co-accused Pratik had married the deceased
against his wishes and that is the motive of assaulting the
deceased. Upon perusal of the statement of witnesses, it
appears that the deceased was assaulted by means of stick
and by the present applicant, by means of iron rod. The
injuries show that the death had occurred because of
haematoma that too at the time of admission in the
hospital by accused persons themselves. This court has
released the other two accused persons by order dated
08.10.2015. I have also gone through the said order.

The objection raised by the learned A.P.P. is
that the earlier application was withdrawn after the same

was heard for some time. However, I find that the said order is not on merits and was passed pursuant to the motion for withdrawal made by the applicant therein.

In the wake of order dated 08.10.2015, the applicant should also be enlarged on bail but then the applicant shall not enter the city of Nagpur. The learned counsel for the applicant makes a statement that the applicant shall not enter the city of Nagpur till the trial is complete and also shall not apply for modification of this condition.

In view of above, following order is passed.

ORDER

- (i) Criminal Application No.852/2015 is allowed.
- (ii) Applicant-Swapnil Mulchandji Deshbhratar be released on bail in Crime No.223/2014 registered with Police Station, Kalamna, Dist. Nagpur for an offence punishable under Section 302 read with Section 34 of the IPC, on he executing P.R. Bond in the sum of Rs.20,000/- with one surety in the like amount.
- (iii) The applicant shall not enter the city of Nagpur till the trial is complete and shall not apply for modification of this order.

JUDGE