

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (BA) NO.972 OF 2015

(Santosh s/o Dilip Parteki ..vs.. State of Maharashtra, through PSO, PS Wadi, District 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.
DATED : 11-02-2016

Heard Shri C.G. Barapatre, learned Advocate for the applicant and Shri M.J. Khan, learned Additional Public Prosecutor for the non-applicant.

2. The applicant is in custody on the allegations that he is involved alongwith Prashant Parteki and Deepak Bhaisare in the offence in which Umesh Ingale died. The co-accused Deepak Bhaisare and Prashant Parteki are released on bail. The charge-sheet is filed.

3. The learned Additional Public Prosecutor has submitted that the order passed by this Court granting bail to Deepak Bhaisare and the order passed by this Court granting bail to Prashant Parteki are distinguishable as this Court while granting bail to co-accused has considered the statements recorded during investigation showing that the co-accused had delivered fist blows only. The learned Additional Public Prosecutor has submitted that during investigation, it is recorded that deceased Umesh Ingale disclosed the

names of three assailants including the applicant to his father. The application is opposed on the ground that there is sufficient material against the applicant.

4. Though it is recorded by this Court while allowing the applications filed by co-accused Deepak Bhaisare and Prashant Parteki that as per the statements recorded during investigation these co-accused had delivered only fist blows, considering the fact that charge-sheet has been filed, that the non-applicant has not been able to show that custody of the applicant is required for further investigation and the undisputed fact that the involvement of the applicant in any other crime earlier has not been reported, in my view, the applicant is entitled for bail.

5. Hence, the following order :

- i) The applicant having been arrested for the offences registered vide Crime No.248/2014 by the non-applicant, he be released on bail, on furnishing P.R. Bond in the sum of Rs.50,000/- and two solvent sureties in the like amount. Out of the two solvent sureties, one solvent surety shall be of resident of Wadi, District Nagpur.
- ii) The applicant shall attend the Sessions Court on every date unless he is granted exemption by the Sessions Court. In default on the part of the applicant to attend on any date before the

Sessions Court without seeking exemption, this order shall stand recalled.

- iii) The application is allowed in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

pma