

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

Criminal Application (BA) No. 60 of 2017

Avinash v. 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. M. Jaltare, Advocate for applicant
Shri S. D. Sirpurkar, APP for respondent-State

Coram : S. B. Shukre, J

Dated : March 29, 2017

Heard learned counsel for the applicant and learned Additional Public Prosecutor for respondent-State. Perused the charge-sheet.

The applicant is in jail since 28.9.2015. Learned counsel for the applicant states that the charge is yet to be framed.

One of the co-accused viz. Mohan Kalase has been released on bail by this Court on bail by order dated 22nd March 2017. The role attributed to co-accused Mohan Kalse is that he was carrying iron rod in his hand at the time of incident. Similar role is attributed to the applicant. While iron rod has been seized from the possession of co-accused Mohan Kalse, no such recovery has been made from or at the instance of the present applicant. The post-mortem report discloses that there were in all thirty injuries suffered by the deceased and all of them were incised wounds.

It is obvious that this applicant is on better footing than co-accused Mohan Kalse who has been released on bail by this Court. Apart from this, the trial has also not begun so far and there is no explanation as to why trial is yet to start even after a period of more than one and half years

from the date of arrest of the applicant.

When prima facie evidence against the applicant is of the nature as discussed earlier, I am inclined to grant bail to the applicant.

Application is allowed and it is directed that the applicant be released on bail in Crime no. 453/2015 registered with Police Station, Wardha (City) for the offences punishable under Sections 302, 147, 148 and 149 of the Indian Penal Code upon his furnishing PR Bond of Rs. 15,000/- with one solvent surety in the like amount, on the following conditions :

- (i) Applicant shall regularly attend the trial on all dates of hearing.
- (ii) Applicant shall not tamper with the prosecution evidence in any manner.
- (iii) Applicant shall not reside within the municipal limits of Wardha and shall supply his detailed address along with cellphone number (if any) to the trial Court as also to the Police Station, Wadi within seven days from the date of his release.

Application is disposed of accordingly.

JUDGE

joshi