

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

CRI. APPLICATION (BA) NO. 169 OF 2017

(PAWAN GYANIRAM SHAHARE...VS.. STATE OF MAH. THR. P.S.O. PS GONDIA CITY, DIST.GONDIA)

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

Court's or Judge's orders

Shri. V. R. Borkar, Advocate for Applicant.
Shri. V. A. Thakre, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 12th JUNE, 2017.

The applicant is arrested on 9th July, 2016 in crime registered against him for the offences punishable under Sections 302 of the Indian Penal Code and Section 4/25 of the Arms Act. The accusations against the applicant are that he assaulted the victim with sword and inflicted 17 injuries because of which the victim died.

The application is opposed on the ground that the weapon used in the crime i.e. sword is recovered at the instance of the applicant, and the applicant resides in the same locality where most of the eye witnesses also reside and if the applicant is released on bail, he may pressurize the witnesses.

The applicant claims to be a labourer. The applicant has stated that he is not prosecuted for any other crime / offence earlier. These facts are not controverted by the Investigating Agency. The charge-sheet is filed. The Investigating Agency has not been able to show that the custody of the applicant is required for further investigation.

Considering the facts of the case, I am of the view that the applicant is entitled to be released on bail.

Hence, the following order :

(i) The applicant, having been arrested in Crime No.139 of 2016, registered by the non-applicant, be released on bail on furnishing P. R. Bond of Rs.25,000/- and two solvent sureties in the like amount.

(ii) The applicant shall attend the Sessions Court on every date unless granted exemption by the Sessions Court.

The application is **allowed** in the above terms.

JUDGE

PBP.