

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

CRIMINAL APPLICATION (BA) NO.213 OF 2017

(Akshay @ Mohan Nagorao Darokar ..vs.. The State of Maharashtra, through PSO, PS Telhara, District Akola)

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

Court's or Judge's orders

Shri S.V. Sirpurkar, Advocate for the applicant,
Shri N.R. Patil, Addl.P.P. for the non-applicant/State.

CORAM : S.B. SHUKRE, J.

DATED : 25-04-2017

Heard.

Perused the first information report, reply filed by
the prosecution and charge-sheet.

The incident had taken place on 22-07-2016. But the first information has been lodged on 03-08-2016. Apparently and at this stage, no explanation is seen to be available in the circumstances of this case regarding belated lodging of the first information report. The death of deceased Ramesh was, in the opinion of the doctor, due to traffick injuries. This applicant was not present at the spot of incident. He has been sought to be implicated in this crime on the basis of the allegation that he is one of the conspirators and that he was in constant touch through his mobile with co-accused, at the relevant time and before and after it. But, apart from this evidence of the applicant being in touch with the

co-accused, there is no circumstance present on record to make any *prima facie* inference regarding involvement or otherwise of this applicant. The applicant is in Jail since 22-08-2016. The charge-sheet has also been filed.

In the circumstances, I am inclined to allow this application.

The application is allowed and it is directed that the applicant shall be released on bail in Crime No.172/2016 registered with Police Station Telhara, District Akola for the offences punishable under Sections 302, 307, 326, 341, 120(b) of the Indian Penal Code on his furnishing P.R. Bond of Rs.30,000/- together with one solvent surety in the like sum, on the following conditions :

- (i) The applicant shall regularly attend the dates fixed by the trial Court and shall co-operate with the trial Court in expeditious disposal of the trial.
- (ii) The applicant shall not tamper with the prosecution evidence in any manner.

JUDGE

adgokar