

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

CRIMINAL APPLICATION (BA) NO. 506 OF 2017

(NARENDRASINGH S/O DIWAKAR SENGAR...VS.. STATE OF MAH. THR. P.S.O. PS AMBAZARI,
DIST.NAGPUR)

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

Court's or Judge's orders

Shri R. K. Tiwari, Advocate for Applicant.
Shri T. A. Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : 10th JULY, 2017.

The applicant is arrested on 18th December, 2016 in connection with crime registered against him and three others for the offences punishable under Sections 302, 120-B read with Section 34 of the Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act. The crime is registered on the complaint of Ajay Bhaurao Meshram lodged on 17th December, 2016.

According to the Investigating Agency, as per the complainant, the victim had received phone call from the applicant, the applicant informed the victim that his mother had suffered heart attack and asked him to reach to his home, the victim proceeded alongwith the complainant to the victim's house and in front of Prashant Jewellery, near Mata Mandir, the accused attacked the victim with sharp edged weapons causing about 33 injuries on his person because of which the victim died.

According to the Investigating Agency, during investigation, statement of a witness is recorded which shows that the victim had taken the cell phone of this witness, had called the applicant and after talking to him, the victim went

to the spot where the incident occurred. The Investigating Agency relies on the call detail report to substantiate that the call was made from the cell phone of the above referred witness to the applicant.

The application is opposed on the ground that investigation is in progress and there is ample material available with the Investigating Agency, including recovery of the weapon at the instance of the applicant, which prima facie shows involvement of the applicant in the commission of crime.

The applicant, aged about 30 years, claims that he is working in a garage. The applicant has stated that he is not involved in any other crime/offence. The investigation is complete and charge-sheet is filed on 15th March, 2017. The non-applicant has not been able to point out that the custody of the applicant is required for investigation.

In the facts of the case, following order is passed :

The applicant having been arrested in connection with Crime No.297 of 2016 registered by the non-applicant, he be released on bail on executing P. R. Bond of Rs.50,000/- and furnishing two solvent sureties in the like amount.

The applicant shall attend the trial before the Sessions Court regularly on every date unless granted exemption by the Sessions Court.

The application is **allowed** accordingly.

JUDGE