

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

CRIMINAL APPLICATION (BA) NO.556/2017

Deorao S/o Ramesh Shingare and another

..Vs..

The State of Maharashtra, through Police Station Officer, P.S. Talegaon, Distt.
Wardha

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

Court's or Judge's orders

Shri V.M. Gadkari, Adv. for the applicants.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 17.7.2017.

Heard.

The applicants are arrested on 2nd January, 2017 in connection with Crime No.2/2017 registered for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code on the accusations that in drunken state the applicants picked up quarrel with deceased and assaulted him with stick and a spade, one of the blow being on head which proved to be fatal.

The learned Advocate for the applicants submitted that as far as the applicant No.2 is concerned no overt act is attributed to him.

The application is opposed on the ground that there are complaints from wife of deceased that the applicants had threatened her prior to the incident also and if the applicants are released on bail, they may again

threaten the wife of deceased as the applicants are residing in the neighbourhood of the wife of deceased.

Be that as it may, the investigation is complete and charge-sheet is filed on 18th March, 2017. The non-applicant has not been able to point out that custody of applicants is required for further investigation.

The applicants claim that they are labourers and they are not involved in any other crime / offence. To counter the apprehension of the prosecution that the applicants would threaten the wife of deceased, it is submitted on behalf of the applicants that till the conclusion of trial they will not enter Talegaon (Shamjipant) and will reside at some other place.

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

The applicants having been arrested in Crime / F.I.R. No.2/2107 registered by the non-applicant, they be released on bail on executing P.R. bond for Rs.50,000/- (Rs. Fifty Thousand) each and furnishing one solvent surety in the like amount for each of the applicant.

The applicants shall not enter Talegaon (Shamjipant) till the trial concludes.

In case the applicants are required to go to Talegaon (Shamjipant) during pendency of trial, they will seek prior permission of the Sessions Court.

The applicants shall furnish the details of address at which they will be residing and also their cellphone numbers and cellphone numbers of the

persons who will be furnishing solvent surety for them.

The applicants shall be released only after this part of order is complied with.

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

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

JUDGE

Tambaskar.