

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

**CRIMINAL APPLICATION (BA) NO.563/2017**

Akash @ Alu S/o Ganesh Girad

..Vs..

State of Maharashtra, through PSO Police Station Ganeshpeth, Nagpur

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

Court's or Judge's orders

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Shri A.C. Jaltare, Adv. for the applicant.  
Shri V.R. Thakre, Adv. for the respondent / State.

**CORAM : Z.A.HAQ, J.**

**DATE : 28.6.2017.**

Heard.

The applicant is arrested on 1<sup>st</sup> January, 2017 in crime registered against him for the offence punishable under Section 302 of the Indian Penal Code. The crime is registered on the complaint lodged by Swapnil Rajendra Mandwe. According to the complainant, he got information that someone is murdered near Jayshree Talkies and when the complainant went to the spot, he found that his friend Kumar Haldar (victim) was lying in a pool of blood. The complainant shifted the victim to Mayo Hospital with the help of police and that time the victim informed the complainant that he is assaulted by the present applicant.

The application is opposed on the ground that the applicant is a habitual offender and earlier also crime for the offence punishable under Section 325 of the

Indian Penal Code is registered against him and prosecution is pending. The learned A.P.P. has pointed out from the memorandum of postmortem examination that 17 injuries were found on the body of deceased.

The learned Advocate for the applicant has submitted that none of the injury is of such a nature that it can be said that the applicant has intentionally murdered the victim. The investigation is complete and charge-sheet is filed on 20<sup>th</sup> March, 2017. The non-applicant has not been able to show that custody of the applicant is required for further investigation.

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

The applicant having been arrested in Crime No.1/2017 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.50,000/- (Rs. Fifty Thousand) and one solvent surety in the like amount.

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

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

JUDGE