

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

CRIMINAL APPLICATION (BA) NO. 573 OF 2017

(VITTHAL S/O NARAYAN MADAVI...VS.. STATE OF MAH. THR. P.S.O. PS KASANSUR, DIST.
GADCHIROLI)

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

Court's or Judge's orders

Shri. Amit Kinkhede Advocate h/f. Shri. R. R. Vyas, Advocate for
Applicant.
Shri. S. P. Deshpande, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 30th JUNE, 2017.

Heard.

On registration of crime vide First Information Report No.002 of 2017 on 19th January, 2017 against unknown person for the offences punishable under Sessions 364, 302, 506(2) read with Section 34 of the Indian Penal Code, the Investigating Agency started investigation and arrested applicant on 22/01/2017. Alongwith the applicant names of three other accused are also added.

According to the Investigating Agency, the applicant had taken the co-accused Rakesh and one unknown person on his motorcycle and had dropped them at Padiyantola from where co-accused Rakesh and that unknown person took Lalsu alongwith them whose body was subsequently found on the next day.

The learned advocate for the applicant has pointed out that Section 120-B of the Indian Penal Code is added subsequently and there is no provision like Section

506(2) in the Indian Penal Code.

The case of Investigating Agency is based on circumstantial evidence. The applicant, aged about 32 years, claims to be an agriculturist and has stated that he is not involved in any other crime/offence. The investigation is complete and charge-sheet is filed on 20th April, 2017. The non-applicant has not been able to show that the custody of the applicant is required for further investigation.

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

The applicant having been arrested in Crime No.002 of 2017 registered by the non-applicant, he be released on bail on executing P. R. Bond for Rs.25,000/- and furnishing two solvent sureties in the like amount.

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

JUDGE

PBP