

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

CRIMINAL APPLICATION (BA) NO.679 OF 2017

Kapil s/o Suresh Giri

..VS..

The State of Maharashtra, through PSO Narkhed, District Nagpur

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

Court's or Judge's Order

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Shri A.S. Band, Counsel for the applicant.
Mrs. K.R. Deshpande, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28 , 2017.

Heard learned counsel Shri A.S. Band for the
applicant and learned Additional Public Prosecutor Mrs. K.R.
Deshpande for the State so also perused the reply.

The applicant is seeking his enlargement on bail
since the applicant is arrested in connection with Crime No.136
of 2016 registered with Police Station Narkhed, District Nagpur
for the offences punishable under Sections 326 and 302 read
with Section 34 of the Indian Penal Code.

The applicant is arrested on 24.11.2016 and since
then he is in jail.

The first information report was lodged by Police
Head Constable Raju Gajbhiye on the oral report lodged by
Banduji Shamraoji Kadu.

Initially, an offence punishable under Section 326 of the Indian Penal Code was registered. However, subsequent to death of deceased Akash, it was converted into offence punishable under Section 302 of the Indian Penal Code.

The prosecution heavily relies on ocular account. Except Pintu, all other accused persons are already released on bail. Said Pintu is yet to be apprehended and against him final report under Section 299 of the Code of Criminal Procedure, 1973 is already filed.

According to the prosecution case, the present applicant has assaulted on deceased Akash by means of an iron-rod so also according to the prosecution case the other accused also assaulted on deceased by means of wooden-log. They are already released on bail. The only difference in their respective cases and the present applicant is the nature of weapon that is used.

The investigation is already over. All the weapons are already seized. Further, it is not the prosecution case that in near future there is a possibility of commencement of the Trial. In that view of the matter, I propose to pass the following order:

ORDER

- i) The criminal application is allowed.

ii) Applicant **Kapil s/o Suresh Giri** be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount in connection with Crime No.136 of 2016 registered with Police Station Narkhed, District Nagpur for the offences punishable under Sections 326 and 302 read with Section 34 of the Indian Penal Code.

iii) The applicant shall attend the police station twice in a month that is on 2nd and 19th of every month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

v) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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