

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

CRIMINAL APPLICATION (BA) NO. 681 OF 2017

(SURESH MAHADEO DESHMUKH...VS...STATE OF MAH. THR. P.S.O. PS MURTIZAPUR, TAH-
MURTIZAPUR, DIST. AKOLA)

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

Court's or Judge's orders

Shri M. V. Bute, Advocate for Applicant.
Shri T. A. Mirza, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : 25th JULY, 2017.

Heard.

The applicant is arrested on 28th February, 2016 in connection with Crime No.53 of 2016 registered against him and three co-accused for offence punishable under Sections 302 and 201 of the Indian Penal Code.

Initially when the dead body was found on 25th February, 2016, case of accidental death was registered, however, subsequently matter is investigated and crime is registered against the accused.

The facts on record show that the applicant is earlier convicted for offence punishable under Section 302 of the Indian Penal Code, he has filed Criminal Appeal No.07 of 2015 which is pending before this Court, that this Court had suspended the sentence and directed release of applicant on bail and according to the Investigating Agency, the applicant has committed crime when he was on bail. The learned

A.P.P. has pointed out that the State had filed an application in Criminal Appeal No.07 of 2015 praying that order passed earlier directing release of applicant on bail be recalled and Division Bench of this Court by order passed on 20th July, 2016 has allowed the application of State.

The Investigating Agency relies on the statement of eyewitnesses and recovery of blood stained clothes from the applicant.

Considering the facts of the case, I am not inclined to grant prayer made in the application.

The application is **dismissed**.

JUDGE

PBP