

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

CRIMINAL APPLICATION (BA) NO.709/2017

Shankar S/o Ganpat Shirpurkar

..Vs..

State of Maharashtra, though Police Station Officer, Sakkardara, Nagpur

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

Court's or Judge's orders

Shri Avdhesh Kesari, Adv. for the applicant.
Shri V.A. Thakre, A.P.P. for the non-applicant / State.

CORAM : Z.A.HAQ, J.

DATE : 1.8.2017.

Heard.

The applicant is arrested on 10th September, 2016 in connection with Crime No.216/2016 registered against 3 accused (including the applicant) for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, Section 135 of the Maharashtra Police Act and Sections 4/25 of the Arms Act.

According to the prosecution, the crime is registered on the complaint lodged by Police Constable that while he was going to the spot where he was posted for duty he noticed that the accused were assaulting deceased by knife and tile. The accusations against the applicant are that he assaulted victim by a stone tile.

The application is opposed on the ground that

the evidence available on record shows *prima facie* involvement of the applicant in commission of crime. It is pointed out that 21 injuries were found on the body of deceased.

Be that as it may, charge-sheet is filed on 7th December, 2016. Co-accused Sarang is released on bail as per the order passed by this Court on 20th June, 2017. The non-applicant has not been able to point out that further custody of applicant is required for investigation.

The applicant, aged about 43 years, claims to be a vegetable vendor and has stated that he is not involved in any other crime / offence.

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

The applicant having been arrested in connection with Crime No.216/2016 registered by the non-applicant, he be released on bail on executing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand) and furnishing two solvent sureties in the like amount.

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

The application is **allowed** accordingly.

JUDGE