

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

CRIMINAL APPLICATIN (BA) NO. 714 OF 2017

(Aditya Rajesh Shendre..vs..The State of Maharashtra,through PSO.PS.Sarmaspura,Tahsil-
Achalpur,District-Amravati.)

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

Court's or Judge's orders.

Shri M.N.Ali, Advocate for applicant.

Shri R.S.Nayak, A.P.P. for State-respondent.

CORAM : V.M. DESHPANDE, J

DATED : AUGUST 11, 2017

Heard learned advocate for applicant and learned
A.P.P. for State-respondent.

2] The present application is under Section 439 of Code of Criminal Procedure for grant of bail. The applicant is arrested in connection with Crime No.39/2017 ,registered with P.S.Sarmaspura, of Achalpur District Amravati for the offence punishable under Section 302 r/w Section 34 of the Indian Penal Code.

3] The investigating officer has already completed his entire investigation and chargesheet is presented in the Court. The F.I.R. is lodged by Mohan S/o Shriramji Raktale, the father of deceased Amol. The F.I.R .is lodged on 01/02/2017. The first informant is not an eye witness. As per the F.I.R. when he was at work at village Haram in a hotel owned by Santosh Aakolkar that time phone call was received by Santosh Aakolkar from the daughter of first informant Pallavi.

During the said conversation, it was revealed that the deceased Amol is assaulted by Amol Fiske, his father Pundlikrao Fiske and his nephew who subsequently identified as the present applicant. According to F.I.R. initially deceased used to work with Amol Fiske who was indulged in illicit liquor trade. The contraband of Amol was seized by police and therefore he was nursing a grudge that on a tip given by deceased, police made raid on the contraband of Amol. During the course of investigation, investigating officer found that there are two eye witnesses to the incident and they are Sachin Kashinath Zudpe and Gajanan Ramdas Khadge. The perusal of police statement of these two witnesses show that entire role of making assault by means of deadly weapon i.e. knife is attributed to accused Amol Fiske. Prima facie , there is nothing to show that applicant was sharing any common intention with accused Amol. Since the entire investigation is over, I see no reason for keeping the applicant's incarceration in jail for further period.

ORDER

- I) The application is allowed.
- II) Applicant Aditya Rajesh Shendre be released in Crime No.39/2017,registered with P.S.Sarmaspura, of Achalpur,District Amravati for the offence punishable under Section 302 r/w Section 34 of the Indian Penal Code on his executing P.R. of Rs. 25,000/- with two solvent sureties in the like amount.

- III) The applicant shall attend P.S.Samraspura, of Achalpur,District-Amravati on his release from jail once in a week i.e. Sunday in between 3.00 p.m. to 5.00 p.m. till culmination of the trial.
- IV) The applicant shall not try to pressurise or intimidate the prosecution witnesses.
- V) With this the application is disposed of.

JUDGE

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