

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

CRIMINAL APPLICATION (BA) NO.718 OF 2017

Anil s/o Vasanta Babhulkar

..vs..

State of Mah., thr. PSO PS Hinganghat, Tahsil and District Wardha

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

Court's or Judge's Order

Shri S.D. Chande, Counsel for the applicant.
 Mrs. K.R. Deshpande, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 9, 2017.

Heard learned counsel Shri S.D. Chande for the
 applicant and learned Additional Public Prosecutor Mrs. K.R.
 Deshpande for the State.

The present applicant is seeking his enlargement
 on bail since the applicant is arrested on 23.7.2016 in connection
 with Crime No.1073 of 2016 registered with Hinganghat Police
 Station, District Wardha for the offences punishable under
 Sections 302, 307, and 324 read with Section 34 of the Indian
 Penal Code, 1860.

The investigation is already over and the
 investigating officer has already filed his final report before the
 Competent Court.

Learned counsel Shri S.D. Chande for the

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applicant invites my attention to order passed by this Court in Criminal Application (BA) No.568 of 2017 dated 29.6.2017 by which this Court granted bail to co-accused Prafil s/o Vasanta Babhulkar and Yogesh.

The first information report is lodged by Sau. Sunita Kesharao Babhulkar on 23.7.2016 in respect of the occurrence on the very same day. Deceased Devidas is son of the first informant. Deceased Devidas was assaulted by the present applicant and other co-accused by means of an axe in their hands.

Perusal of the charge-sheet *prima facie* it appears that the incident has occurred in a spur of moment. Therefore, scaling down of the offence is not completely ruled out. These are the *prima facie* observations of this Court.

Learned Additional Public Prosecutor Mrs. K.R. Deshpande for the State submits that the role attributed to the present applicant and the co-accused, who are already released on bail, is identical.

In that view of the matter, I pass the following order:

ORDER

i) The present criminal application is allowed.

ii) The present applicant be released on bail on his

executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.1073 of 2016 registered with Hinganghat Police Station, District Wardha for the offences punishable under Sections 302, 307, and 324 read with Section 34 of the Indian Penal Code, 1860.

iii) The applicant shall attend the Police Station twice a month i.e. on first Saturday and last Friday of each month between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

iv) The present applicant shall not indulge in any activity so as to cause prejudice to the prosecution case.

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

JUDGE

!! BRW !!

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