

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

CRIMINAL APPLICATION (BA) NO.757 OF 2017

Mukesh s/o Surajbali Mourya

..vs..

State of Maharashtra, thr. The PSO, PS Ganeshpeth, Nagpur

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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 M.P. Lala, Counsel for the applicant.

Shri J.Y. Gurdey, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2017.

Heard learned counsel Shri M.P. Lala for the
applicant and learned Additional Public Prosecutor Shri J.Y.
Gurdey for the State.

The applicant, who is arrested in connection with
Crime No.142 of 2017 registered with Police Station Ganeshpeth,
Nagpur for the offences punishable under Sections 302, 143, 148,
and 149 of the Indian Penal Code read with Section 135 of the
Maharashtra Police Act, is seeking his enlargement on bail.

The first information report is lodged by Sau.
Vimla Rameshkumar Verma, paternal aunt of deceased Nitin.

According to learned Additional Public Prosecutor
Shri J.Y. Gurdey for the State, though the charge-sheet is not
filed, the entire investigation is almost over. The formality of

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filing of charge-sheet is remained to be done.

With the assistance of learned Additional Public Prosecutor Shri J.Y. Gurdey, I have gone through the investigation papers. From the investigation papers it appears that the incident, in question, has occurred on trivial issue on account of accumulation of waste water in front of the house of the accused persons.

The role attributed against the present applicant is that he has used the stick. All other accused persons are already released on bail.

From the investigation papers *prima facie* it appears to me that there was no intention on the part of the applicant to commit murder of deceased. Thus, finally it is quite possible that the offence may scale down from the offence punishable under Section 302 of the Indian Penal Code. However, it is made clear that all these observations are made by this Court only for the purposes of deciding the present application for bail and learned Trial Judge who shall be ultimately conducting the Trial should not get impressed by the aforesaid observations made by this Court.

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

ORDER

- i) The criminal application is allowed.

ii) Applicant Mukesh s/o Surajbali Mourya 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.142 of 2017 registered with Police Station Ganeshpeth, Nagpur for the offences punishable under Sections 302, 143, 148, and 149 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act.

iii) The applicant shall attend Police Station Ganeshpeth, Nagpur once in a month that is on 15th of each month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

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

JUDGE

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