

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

CRIMINAL APPLICATION (BA) NO.778 OF 2017

Umesh s/o Mangal Jagne

..vs..

State of Maharashtra, thr. PSO, Kamptee Police Station, District 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

Shri R.K. Tiwari, Counsel for the applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 29, 2017.

Heard learned counsel Shri R.K. Tiwari for the
applicant and learned Additional Public Prosecutor Shri J.Y.
Gurdey for the State.

This is an application for bail.

The applicant is arrested in connection with Crime
No.453 of 2016 registered with the Kamptee Police Station,
District Nagpur for the offences punishable under Sections 324,
506, and 302 read with Section 34 of the Indian Penal Code.

The first information report is lodged by Santosh
Govindrao Amdhare who ultimately succumbed to injuries.

The investigation is over and the charge-sheet is
already filed. One of co-accused is released on bail by this Court
in Criminal Application No.251 of 2017.

From the charge-sheet it is clear that when the deceased was initially referred to the Indira Gandhi Medical College and Hospital at Nagpur at about 8:00 a.m. on 11.7.2016 he was found to be having only 2 injuries on his person. One injury was in the nature of lacerated wound present on back of head and the second injury was abrasion over chest. It is also the prosecution case that, thereafter, the deceased got himself discharged against the medical advice. Thereafter, he was found roaming in Sitabuldi area creating ruckus. He was taken into custody by the Police Station Officer at Sitabuldi. He was taken to the hospital by the police. That time also, only two injuries were seen to be present on the person of the deceased and they were the same injuries noticed earlier. Thereafter, since the deceased was suffering from schizophrenia, he was sent to the Mental Asylum. When the condition of the deceased was deteriorated, when he was in Mental Asylum, he was brought to the Indira Gandhi Medical College and Hospital at Nagpur where he breathed last. The postmortem report discloses that he has sustained 21 injuries out of which 4 injuries were seen present on his head. When the applicant was firstly taken to the hospital, the doctor noticed only 21 injuries.

Since the entire investigation is over and the applicant is languishing in jail since 13.7.2016 and there is no possibility of the Trial being taken up in near future, I am of the

view that the applicant can be released on bail. At the same time, the interest of the prosecution can be secured by imposing the conditions. Hence, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) The 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.

iii) As per the statement made by learned counsel Shri R.K. Tiwari for the applicant, the applicant shall be residing at Gondia.

iv) The applicant is directed to furnish his residential address to the investigating officer so also before Court below before whom the bail bond will be executed.

v) The applicant shall attend Ram Nagar Police Station, District Gondia twice in a month that is on 1st Sunday and 3rd Saturday between 3:00 p.m. and 5:00 p.m., till trial is over.

vi) The applicant shall not enter into the

territorial jurisdiction of the Nagpur district, till culmination fo the Trial.

vii) The applicant shall be allowed to enter the Nagpur District for the purposes of attending the Sessions Trial.

viii) the applicant shall extend full cooperation to the Sessions Court for early disposal of the Sessions Case.

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

JUDGE

!! BRW !!

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