

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

CRIMINAL APPLICATION (BA) NO.787 OF 2017

Prakash Baliram Deotale

..vs..

The State of Maharashtra, thr. PSO, PS Aroli, Tehsil-Nagpur Gramin,
District Nagpur

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

Court's or Judge's Order

Shri A.R. Prasad, Counsel for the applicant.
Mrs. K.R. Deshpande, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 28, 2017.

Heard learned counsel Shri A.R. Prasad for the
applicant and learned Additional Public Prosecutor Mrs. K.R.
Deshpande for the State.

This is an application for bail since the applicant
is arrested on 23.7.2017 in connection with Crime No.110 of 2017
registered with Police Station Aroli, Tehsil-Nagpur Gramin,
District Nagpur for the offence punishable under Section 304 of
the Indian Penal Code.

As per the first information report, lodged by
Santosh Vyankat Gurnule father of deceased Sachin, son of
Santosh died due to electric current that was flowing through
barbed wire which is used as fencing the garden owned by the

present applicant. According to the prosecution, live electric wires were there and thus the act, on the part of the applicant, comes within the purview of Section 304 of the Indian Penal Code.

Learned Additional Public Prosecutor Mrs. K.R. Deshpande for the State has filed reply. In the reply itself, it is stated that the investigation is almost completed and the charge-sheet is likely to be filed soon. At the time of hearing, learned Additional Public Prosecutor submitted that during this week only the investigating officer is filing final report before the Court.

Since the investigation is already over and the applicant is in jail since 23.7.2017 and looking to the fact that the offence is not punishable to death, in my view, no purpose will be served by continuing incarceration of the applicant in jail. That leads me to pass the following order :-

ORDER

- i) The criminal application is allowed.
- ii) Applicant Prakash Baliram Deotale 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.110 of 2017 registered with Police Station Aroli, Tehsil-Nagpur Gramin, District Nagpur for the offence

punishable under Section 304 of the Indian Penal Code.

iii) The applicant shall not pressurize the first informant or any other prosecution witnesses causing prejudice to the prosecution case.

iv) The applicant shall attend the police station once in a month that is on 15th of every month, till culmination of the Trial between 3:00 p.m. and 5:00 p.m.

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

JUDGE

!! BRW !!

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