

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.
CRIMINAL APPLICATION (BA) NO. 806 OF 2017
(Govind Bandu Tulshelwar..vs..State of Maharashtra, through
PSO.PS.Ambazari,Nagpur.)

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

Court's or Judge's orders.

Shri Prakash Jaiswal, Advocate for applicant.
Shri R.S.Nayak, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 8, 2017

This is an application under Section 439 of Code of Criminal Procedure, for grant of regular bail.

Heard learned counsel for the applicant and learned A.P.P. for State-non-applicant.

As per the order passed by this Court on 4/9/2017, D.C.P. Shri Rakesh Ola is present personally. He offered explanation that due to the communication gap in between the staff of the P.S. Ambazari instructions could not be given to the Office of the Public Prosecutor, Nagpur immediately. He assured the Court that henceforth he will personally give instructions to the concerned all police station officers falling within his jurisdiction that there should be quick response for the instructions to the office of Public Prosecutor. The explanation is accepted. The presence of D.C.P. Shri Rakesh Ola is discharged.

Applicant is arrested on 3/2/2017 and who is arrested in connection with Crime No.45/2017, registered with P.S. Ambazari, Nagpur for the offence punishable under Sections

302,120(b),34 of the Indian Penal Code ,Section 4,25 of the Arms Act and Section 135 of the Bombay Police Act is claiming bail.

The investigation is over. The chargesheet is already filed. The deceased is one Pravin @ Khushal. According to the chargesheet and according to the reply filed on behalf of the State at the time of commission of murder of Pravin by other accused persons the applicant was not found to be present on the spot. The only allegation against the present applicant in the reply is that prior to murder of Pravin one Bagga was murdered and that time deceased Pravin was trying to resolve the dispute, however the followers of deceased Bagga were not happy with the intervention of deceased Pravin. According to reply, after the death of Bagga his father Vitthal Kaurati had been to the house of deceased Pravin and he extended threats that time applicant was present.

According to the chargesheet, nothing is recovered or seized at his behest. Looking to such nature of accusation against the present applicant, and when the chargesheet is already filed the applicant can be released on bail. Hence, order.

ORDER

- I) The application is allowed.
- II) Applicant Govind Bandu Tulshelwar be released on bail in Crime No.45/2017, registered with P.S.Ambazari, Nagpur for the offence punishable

under Sections 302,120(b),34 of the Indian Penal Code ,Section 4,25 of the Arms Act and Section 135 of the Bombay Police Act on he executing P.B. of Rs. 25,000/- with two solvent sureties of like amount.

- III) The applicant shall attend P.S.Ambazari,Nagpur once in a month till the culmination of the trial. The applicant shall attend the police station on last Sunday of every month in between 3.00 p.m. to 5.00 p.m.
- IV) Accordingly, the application is disposed of.

JUDGE