

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

CRIMINAL APPLICATION (BA) NO.821 OF 2017

Swapnil s/o Sharadrao Mahajan

..vs..

The State of Maharashtra, PSO Tahasil Nagpur

.....
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 R.M. Daga, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 4, 2017.

Heard learned counsel Shri R.M. Daga for the
applicant and learned Additional Public Prosecutor Shri T.A.
Mirza for the State.

The State has filed the reply opposing the bail
application. He submits that the charge-sheet is yet not filed.
However, he fairly submits that the entire investigation is over.
He also points out that in test identification parade the present
applicant was identified by first informant Raturaj Bhadlikar.

Deceased is one Ashish. On 18.6.2017 first
informant and Ashish went for having dinner at Golibar Chowk
in one Om Shakti Savaji Bhojanalaya. After having their dinner,
when they came out, two persons were standing in front of Zaylo
Car of the first informant. They said that due to Zaylo Car, they

were unable to remove the motor vehicle and, therefore, a verbal altercation ensued and in that they started assaulting on Ashish by fist and kick blows. Resulting into, the death of Ashish when he was taken to the hospital of Dr. Chandak.

Though the charge-sheet is not filed and though the present applicant is identified, in my view, looking to the nature of starting point of quarrel it is quite clear that at no point of time the applicant was having any intention to kill Ashish. Therefore, ultimately after the Trial is over, offence may be scaled down from graver offence to the lesser offence. However, it is made clear that these observations made by this Court are only for the purposes of deciding the present application for bail and by these observations learned Judge of the Court below shall not get influenced at the time conducting of the Trial.

In that view of the matter, 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 one solvent surety in connection with Crime No.191 of 2017 registered with Police Station Officer Tahsil, Nagpur for the offence punishable

under 302 read with Section 34 of the Indian Penal Code.

iii) With this, the criminal application is disposed of

JUDGE

!! BRW !!

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