

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

CRIMINAL APPLICATION (BA) NO. 841 OF 2017

(Sanghdeep Premdas Moon..vs..The State of Maharashtra, through
PSO.PS.Ballarpur, District-Chandrapur)

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

Court's or Judge's orders.

Shri M.N.Ali, Advocate for applicant.

Shri Indranil Damle, A.P.P. for State- non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 5, 2017

This is an application for grant of regular bail.

2] Heard learned counsel for applicant and learned
A.P.P. for State.

3] The applicant is arrested on 1/8/2017, in
connection with Crime No.723/2017, registered with
P.S.Ballarpur, District-Chandrapur for the offence punishable
under Sections 302,363,364,325,323,201,506,120(b) and
Section 34 of the Indian Penal Code.

4] Principally, the application for bail is opposed by
the learned A.P.P. for State on the count that the investigation
is in progress and chargesheet is not filed. However, learned
A.P.P. fairly submitted that entire investigation is over, and
formality of filing chargesheet is remained. He has made
available me the entire investigation papers.

5] Deceased in the present case is Shriniwas @
Khokya Somaji Naitam and injured is one Farid Jabbar Shaikh.
Statement of Farid is recorded on 14/7/2017. From his police
statement it is clear that deceased and Farid were habituated

to the liquor and that was the cause of their thick friendship. They also used to steal liquor for their drinking purpose. According to his statement, on 26/5/2017 when Farid was standing near a paanthela that time co-accused Amar Telang dragged him near Pali Budha Vihar. There one Scorpio car was standing. In the said Scorpio car other accused Poonam Moon, Rahul Dangore and deceased were sitting. That time Poonam and Rahul asked Farid as to why they caused theft of liquor from the house of Poonam and there he was assaulted. Thereafter through that Scorpio car Farid and deceased were taken near one Shiv mountain. There accused Poonam and Rahul dragged deceased and injured Farid from the vehicle and assaulted by means of stick and fist blow. In that Farid received injuries to his hand. However, Shriniwas @ Khokya died. Due to his death all were frightened. Thereafter, according to statement of Farid accused persons took him and deceased below the said mountain that time the present applicant Sanghdeep whose name is wrongly typed as Sandip was present. According to the statement of Farid accused Poonam gave money to the present applicant and asked not to disclose this fact otherwise he will have to face consequences. Except Farid there is no eye witness to the prosecution case. As discussed in detail above at the time of actual assault the present applicant was not present at all, no role is attributed against the present applicant. At the most after trial if guilt of the applicant is proved he can be convicted for the offence punishable under Section 201 of the Indian Penal Code. In view of the above merely because the chargesheet is not filed applicant cannot be allowed to incarceration in jail for further

period. That leads me to pass the following order.

ORDER

- I) The application is allowed.

- II) Applicant Sanghdeep Premdas Moon be released on bail in Crime No.723/2017, registered with P.S.Ballarpur, District-Chandrapur for the offence punishable under Sections 302,363,364,325,323, 201, 506,120(b) and Section 34 of the Indian Penal Code on he executing P.B. of Rs.25,000/- with one solvent surety in the like amount.

- III) The applicant shall attend P.S.Ballarpur District-Chandrapur twice in a week i.e. every Saturday and Monday till the filing of the chargesheet and after filing of the chargesheet applicant is directed to attend police station once in a month i.e. last Sunday of every month between 3.00 p.m.to 5.00 p.m. till the culmination of the trial.

With this the application is disposed of.

JUDGE