

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

CRIMINAL APPLICATION (BA) NO.884 OF 2017

Akash s/o Dindayal Samaliya

..vs..

The State of Maharashtra, thr. PSO PS Ambazari, District 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 L.B. Khergade, Counsel for the applicant.

Shri R.S. Nayak, Adll.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 14, 2017.

1. Heard learned counsel Shri L.B. Khergade for the applicant and learned Additional Public Prosecutor Shri R.S. Nayak for the State.

2. Though this application is coming for the first time for consideration, which is filed under Section 439 of the Code of Criminal Procedure, 1973, learned Additional Public Prosecutor is ready with the matter and has tendered the reply which is taken on record.

3. The applicant is arrested on 1.2.2017 in connection with Crime No.45 of 2017 registered with Police Station Ambazari, District Nagpur for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, 1959 and under Section 135 of the Bombay Police Act, 1951.

4. The investigation is over. The investigator has already filed the challan before the Court.

5. Learned counsel for the applicant invites my attention to order passed by this Court in Criminal Application No.806 of 2017 dated 8.9.2017 by which this Court has released co-accused Govind s/o Bandu Tulshelwar on bail. According to learned counsel for the applicant, no overt act is attributed against the present applicant.

6. According to learned Additional Public Prosecutor for the State, prior to committing murder of Pravin, role, according to reply, i.e. attributed against the present applicant is that the present applicant and other visited house of deceased and extended threat that he has committed wrong in intervening dispute between one Bagga who was earlier murdered.

7. Learned Additional Public Prosecutor submits that except this role of extending threat, no role is attributed against the present applicant.

8. Looking to the nature of such evidence, i.e. available against the present applicant in the challan, the applicant who is in jail since 1.2.2017, I see no reason that the applicant should continue his presence in jail. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Akash s/o Dindayal Samaliya 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.45 of 2017 registered with Police Station Ambazari, District Nagpur for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, 1959 and under Section 135 of the Bombay Police Act, 1951.

iii) The applicant shall attend the police station once in a month i.e. on last Saturday of every month in between 3:00 p.m. to 5:00 p.m., till culmination of the Trial.

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

JUDGE

!! BRW !!

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