

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (BA) NO.907 OF 2017**

(Gohar Ahmad S/o Mohd. Yakub..vs..State of Maharashtra, through
PSO.PS.Kamptee New, District-Nagpur.)

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

Court's or Judge's orders.

Shri S.G.Karmarkar ,Advocate for applicant.

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

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 29, 2017

This is an application for grant of regular bail.

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

3] The applicant is arrested on 22/4/2017 in
connection with Crime No.137/2011, registered with
P.S.Kamptee New, District- Nagpur, for the offence
punishable under Section 302 of the Indian Penal Code.
The investigating officer has already completed his
entire investigation and has filed the final report vide
Final Report No.100/2017.

4] The criminal law was set into motion by
Tanveer Akhtar S/o Mohd. Jahirul Islam. He is brother
of deceased Taslim Akhtar. The report is lodged on
20/4/2017. From the report it is clear that deceased was
a divorcee and was habituated to drink. According to
F.I.R. on 20/4/2017 in the morning as usual deceased
left his house for drinking purposes. At 10.00 O' Clock in

the morning itself one Raj and Lal came to the house of first informant and informed that his brother Taslim Akhtar is lying in front of Yerkheda Gymkhana.

5] In the present case, there is no eye witness. The case of the prosecution is based on statements of Jaswant Abhiman Kawle and one Raj Ramesh Dongre. According to statement of Jaswant on 19/4/2017 i.e. a day prior to the date of the incident applicant was seen in a company of deceased. Not only that Jaswant was one of the members of that drinking party. According to the statement of Jaswant in the said drinking party a dispute occurred on account of drinking and he was assaulted. Jaswant is silent about anything about the incident dated 20/4/2017.

6] According to Raj statement, he noticed deceased was going alongwith a person having beard. The cause of death is head injury. Nothing is seized from the present applicant.

7] Though chargesheet is filed no charge is framed against the present applicant.

8] Looking to the nature of the evidence as it is collected during the course of investigation, in my view, the applicant's presence in jail is not required. That leads me to pass the following order.

ORDER

I) Application is allowed.

- II) Applicant Gohar Ahmad S/o Mohd. Yakub be released on bail on he executing P.B. of Rs. 5,000/- with one solvent surety in the like amount.
- III) The applicant shall attend P.S.Kamptee New,District-Nagpur once in a week preferably on every Tuesday in between 3.00 p.m to 5.00 p.m. till the culmination of the trial.

Application is disposed of.

JUDGE

Kitey