

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

CRIMINAL APPLICATION (BA) NO.875 OF 2016

Balram S/o Mohan Raut

..VS..

The State of Maharashtra, through P.S.O. P.S. Jalalkheda, District Nagpur

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

Court's or Judge's Order

Shri Mir Nagman Ali, Counsel for the Applicant.
Shri V.P. Gangane, Addl.P.P. for the Non-applicant/State.

CORAM : P.N. DESHMUKH, J.
DATED : FEBRUARY 17, 2017.

This is an application for bail by accused in Crime No.76 of 2015 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code by Jalalkheda Police Station, District Nagpur.

Heard learned counsel for the applicant and learned Additional Public Prosecutor for the non-applicant/State.

It is submitted on behalf of applicant that in the entire charge-sheet no involvement of applicant can said to be established except from the memorandum of statement of co-accused No.1 Pintu which is recorded on 26.9.2015. However, according to the case of the

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prosecution, even before recording said memorandum statement, applicant is arrested on 24.9.2015. From the charge-sheet it is does not reveal as to on what basis applicant is arrested on 24.9.2015 except from the reply where from it is found that after the incident, applicant was found along with co-accused persons present in Sahil Bar consuming liquor which is situated around 100 meters from the spot of the incident and one witness has identified one of the co-accused namely Pramod to be the person with applicant.

Having considered the nature of evidence available against applicant, *prima facie* involvement of applicant does not appear to be established to reject the application. Moreover, it is found that co-accused No.1 Pintu, from whose possession one gold chain is recovered and same is identified by complainant to be owned by him involved in this crime, is released on bail.

In that view of the matter and since investigation is complete, the following order is passed:

Applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

While on bail, applicant shall mark presence with Jalalkheda Police Station, District Nagpur once in three months on first day of each such month, pending

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Trial.

The applicant shall submit proof of his residence with the investigating officer and shall update the same in the event of change in future.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 20/2/2017

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