

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

CRIMINAL APPLICATION (BA) NO.926/2017

Sanjay Dattuji Tabhane ..vs.. State of Maharashtra through PSO P.S.
Ambazari, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. P. S. Jaiswal, Advocate for applicant.
Mr. R. S. Nayak, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : SEPTEMBER 26, 2017

Heard Mr. P. S. Jaiswal, Advocate for applicant and Mr. R. S. Nayak, A.P.P. for non applicant.

This is an application under Section 439 of the Code of Criminal Procedure for grant of bail. The applicant is arrested on 03.02.2017 in connection with Crime No.45/2017, registered with Police Station, Ambazari, Nagpur for an offence punishable under Sections 302, 120 (b) and 34 of the Indian Penal Code.

The investigation is over. The investigating officer has already filed the charge-sheet. The learned counsel for the applicant has invited my attention to the order passed by this Court in Criminal Application Nos. 806/2017 and 884/2017 by which this Court has released the co-accused Govind Bandu Tulshelwar and Akash Dindayal Samaliya. According to the learned counsel for the applicant, no overt act is attributed against the present applicant.

According to the learned counsel for the applicant, the role attributed to the present applicant is identical as that of the role attributed to the applicants who are already granted bail by this Court. This statement is not countered by learned A.P.P. for State.

According to the learned A.P.P. for the State, role of the present applicant is that he has visited the house of the deceased Pravin and extended threat that he has committed wrong in intervening the dispute between one Bagga who was earlier murdered.

Looking to the nature of such evidence that is available against the present applicant and looking to the fact that the co-accused persons whose role is identical with the present applicant, are released on bail the present applicant is also entitled to be released on bail. Hence, I pass the following order.

ORDER

- (i) Criminal Application No.926/2017 is allowed.
- (ii) Applicant-Sanjay Dattuji Tabhane be released on bail in connection with Crime No.45/2017 registered with Police Station, Ambazari, Nagpur for an offence punishable under Sections 302, 120 (b), 34 of the Indian Penal Code read with Sections 4 and 25 of the Arms Act and Section 135 of the Bombay Police Act, on he executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend Police Station, Ambazari once in a month i.e. on last Friday of every month between 3.00 p.m. to 5.00 p.m.

The application stands disposed of.

JUDGE

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