

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

CRIMINAL APPLICATION (BA) NO.963/2017

Pramod S/o Linbanna Bamrotwar

..Vs..

State of Maharashtra, through its Police Station Officer, Police Station
Ambazari, Distt. 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.K. Mishra, Senior Advocate with Shri N.R. Tekade, Advocate for
the applicant.

Shri N.R. Patil, A.G.P. for the respondent / State.

CORAM : Z.A. HAQ, J.

DATE : 12.10.2017.

Heard.

The applicant is arrested on 21st November, 2016 in connection with crime registered against him and seven others for the offence punishable under Sections 143, 145, 147, 148, 149, 302, 307 and 427 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act. The accusations against the applicant are that a quarrel erupted at Cloud-7 Bar on 20th November, 2016 at about 11 p.m., the owner of the bar (applicant) came there with 8 to 9 persons, all of them were armed with deadly weapons like knives and sticks, they assaulted the informant Abhilash, Swapnil and Shubham, Shubham got seriously injured and was taken to hospital and subsequently he died.

The applicant had earlier filed Criminal Application (BA) No483/2017 which is disposed by this

Court on 8th June, 2017. The order dated 8th June, 2017 shows that the Court expressed that it was not inclined to grant the prayer made in the application at that stage but intended to issue directions to the trial Court to conclude the trial within stipulated time. The learned Senior Advocate, who appeared for the applicant in that application, expressed the apprehension that the trial would not start and would not conclude within stipulated time as the investigating agency would not file charge-sheet in the counter case i.e. Crime No.282/2016. To counter the apprehension, the learned Additional Public Prosecutor, on instructions, had made statement that the charge-sheet in Crime No.282/2016 would be filed within two months. It was further stated on behalf of the investigating agency that it intended to file supplementary charge-sheet in Crime No.281/2016 in which the applicant is shown as the accused. After the learned A.P.P. assured that the additional charge-sheet would be filed within two months, the learned Senior Advocate sought permission to withdraw the application with liberty to file fresh application after the filing of the additional charge-sheet. The application was dismissed as withdrawn with liberty to the applicant to file fresh application after filing of the additional charge-sheet. It was further clarified that if the investigating agency failed to file charge-sheet in Crime No.282/2016 till 8th August, 2017, the applicant would be at liberty to file fresh application.

It is submitted that the additional

charge-sheet is filed in Crime No.281/2016 and charge-sheet is filed in Crime No.282/2016, however, the grievance of the applicant is that there is no possibility that the trial will commence within reasonable time.

The applicant is arrested on 21st November, 2016. The investigation is complete and additional charge-sheet is filed. The applicant claims that he is not involved in any other crime. This claim of the applicant is not refuted by the investigating agency. The applicant claims that he had been running the business as per “*Nokarnama*”. The investigating agency claims that the applicant had been running the business of hotel and bar on contract basis.

The learned A.P.P. expressed apprehension that if the applicant is released on bail, he may influence the witnesses. It is submitted that this apprehension is because the principal accused in the crime is son of the applicant. To counter the apprehension of the investigating agency, the learned Senior Advocate, on instructions, has submitted that if the applicant is released on bail, he will be staying at Balaghat (Madhya Pradesh) which is at distance of about 200 kilometers from Nagpur.

Considering the facts of the case, following order is passed:

The applicant having been arrested in connection with Crime No.281/2016 registered by the non-applicant, he be released on bail on executing P.R.

bond for Rs.1,00,000/- (Rs. One Lakh) and furnishing two solvent sureties in the like amount.

Until further orders, the applicant shall stay at Balaghat (Madhya Pradesh) as assured by him and shall not leave Balaghat (Madhya Pradesh) without prior permission in writing of Superintendent of Police of the police station within the jurisdiction of which the applicant would be residing. In any case, the applicant shall not enter the limits of Nagpur district without seeking prior permission of the Sessions Court. However, the applicant shall attend the sessions trial on every date unless granted exemption by the sessions Court and when the applicant attends the date before the Sessions Court he will not stay over and will immediately remove himself from the limits of Nagpur district on the same day.

The applicant shall provide the cellphone number of the applicant and his wife to the investigating agency before he is released and in case the cellphone number is / are changed, the same shall be informed to the investigating agency immediately.

The application is **allowed** accordingly.

JUDGE