

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

Criminal Application (BA) NO. 1023 of 2017

(Gaurav @ Pandya S/o Ashok Pillewan Vs. The State of Maharashtra.)

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

Court's or Judge's orders.

Shri C.R. Thakur, Advocate for applicant.
Shri S.M. Ghodeswar, Additional Public Prosecutor for State.

CORAM : A. S. Chandurkar, J.

DATE : 29.11.2017.

The applicant who has been arrested on 10th January, 2017 in connection with Crime No. 11/2017 for the offences punishable under Sections 307, 143, 147, 149, 109, 302, 201 of Indian Penal and under Sections 4/25 of Arms Act, seeks his release on bail.

As per report dated 05.01.2017, at about 01.00 p.m., there was an attack on one Gaurav by the applicant and other members of the group. In the said attack, Gaurav expired leading to filing report. During the investigation, three weapons were seized from other accused persons. After completion of investigation,

the charge-sheet has been filed.

It is submitted on behalf of the applicant who is accused No. 5 in the present crime that accused No. 7 who was also attributed a similar role has been enlarged on bail by this Court. As per statement of one eye-witness, Abhishek, the applicant had inflicted fist and kick blows on the deceased. In absence of recovery of any weapon and in absence of any blood stains on his clothes, the applicant deserves to be granted bail on parity.

Application is opposed by learned Additional Public Prosecutor as well as counsel assisting the prosecution. It is submitted that considering the seriousness of the offence, the applicant does not deserve to be enlarged on bail. He is part of the group that had assaulted the deceased resulting in his death. If he is released, there is likelihood that the applicant will threaten the witnesses.

Perused the first information report as well as the charge-sheet. The statement of eye-witness, Abhishek refers to role played by the

applicant herein. He has not stated that the applicant was possessing any weapon. There is no recovery from the applicant. Accused No. 7 has been attributed similar role as that of the applicant and he has been released on bail.

The charge-sheet having now being filed and the applicant being behind the bars for more than ten months. I therefore find him entitled to be enlarged on bail by imposing appropriate conditions.

Accordingly, the applicant who is under arrest in connection with crime No. 11/2017 registered with the Pachpaoli Police Station, Dist. Nagpur for the offences punishable under Sections 307, 143, 147, 149, 109, 302, 201 of Indian Penal and under Section 4/25 of Arms Act is directed to be released on bail on his executing a P.R. Bond of Rs. 50,000/- with two solvent sureties of the like amount.

ii) The applicant shall not reside in Nagpur district till the completion of the trial. At the time of execution of the bail bond, the applicant shall

furnish address wherein the applicant shall be residing and he shall also furnish the said residential address to the Investigating Officer.

iii) At the time of release of the applicant on bail, the Trial Court shall impose a condition on present applicant that he shall attend the police station which will be in proximity of his residence.

iv) The applicant shall attend the said police station twice in a week and shall be with Investigating Officer from 11.00 a.m. to 05.00 p.m., till culmination of the trial.

v) The applicant will be entitled only to enter the jurisdiction of Nagpur District for attending the dates of the Sessions Trial. As soon as the date is over, on very same day, the applicant shall remove himself from the territorial jurisdiction of Nagpur District.

vi) The applicant shall not extend any threat to the mother of the deceased either directly or

indirectly. If it is noticed that he has extended any threat to the mother of the deceased, it will be open for the investigating officer to move the Court for cancellation of bail.

Observations made in the order are only for deciding the present application which stands disposed of.

JUDGE