

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

CRIMINAL APPLICATION (BA) NO.1131/2017

Vinod s/o Ghanshyam Meshram

..vs..

State of Mah., thr. PSO PS Pratapnagar, Nagpur

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

Court's or Judge's Order

Shri C.G. Barapatre, Counsel for the applicant.

Mrs. Geeta Tiwari, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 12, 2017.

1. Heard learned counsel Shri C.G. Barapatre for the applicant and learned Additional Public Prosecutor Mrs. Geeta Tiwari for the State.
2. The applicant is arrested on 18.9.2016 by the Police Station Officer of Ranapratap Nagar, Nagpur in connection with Crime No.319 of 2016 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.
3. Along with the present applicant, two other accused persons by names Harshal and Vikram were arrested. They are already released on bail by the Trial Court.
4. At the outset, learned counsel for the applicant submits that he is not submitting the case of the present applicant on the ground of parity.
5. Deceased is one Rohit. The first information

report is lodged by Vishal Shinde who is known to Rohit. Not only that, first informant is also an eyewitness in whose presence stab blow was given by the applicant to deceased Rohit.

6. The investigating officer has already completed entire investigation and the charge-sheet is already filed on record.

7. The postmortem report shows that there is only one blow on the abdomen of the deceased and other two are lacerated wounds on toe on the dorsal aspect. The injury is of 3cm x 1 cm cavity deep. There is nothing on record at least *prima facie* to show that there was previous enmity between the applicant and the deceased. The first information report shows that the incident in question has occurred due to non-return of the mobile-phone.

8. Looking to the nature of evidence, *prima facie* it appears to me that during the Trial the offence can be scaled down from the offence punishable under Section 302 of the Indian Penal Code.

9. In that view of the matter, the applicant who is in jail since 18.9.2016 and the other charges are yet to be framed, further custodial presence of the present applicant is not necessary. Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) The applicant be released on bail in connection with Crime No.319 of 2016 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code on his executing a P.R. Bond in the sum of Rs.15,000/- with two solvent sureties of the like amount.

(iii) The applicant shall attend the police station once in a month i.e. on last Sunday of every month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

(iv) The applicant shall not cause any prejudice to the prosecution case by extending threats to first informant Vishal Shinde.

(v) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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