

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

CRIMINAL APPLICATION (BA) NO.1137 OF 2017

Manoj s/o Ramdas Bhowate

..vs..

State of Mah., thr. PSO PS Lakhandur, District Bhandara

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

Court's or Judge's Order

Shri R.V. Khaparde, Counsel for the applicant.

Shri S.M. Ghodeswar, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 12, 2017.

1. Heard learned counsel Shri R.V. Khaparde for the applicant and learned Additional Public Prosecutor Shri S.M. Ghodeswar for the State.

2. The applicant is arrested on 1.11.2016 in connection with Crime No.63 of 2016 registered with Lakhandur Police Station of district Bhandara for the offences punishable under Sections 302 and 201 read with Section 34 of the Indian Penal Code and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The investigation is over and the final report is already filed on record.

4. Deceased is one Swapnil. Initially, the first information report was lodged by Shankar Raut. Subsequently, during the course of the investigation his role was found in the

crime and, therefore, he was also made as an accused.

5. According to the prosecution, there is an eyewitness to the incident and his name is Jagdish. The statement though shows that he has seen the incident of giving knife blow by the applicant, the statement is not immediately recorded and there is a delay of recording his statement. Apparently, there is *prima facie* no explanation to point out as to why he could not approach to the police for making statement. Further, his statement shows that he has narrated the incident to his mother Dhanwantabai. The investigating officer has also not recorded statement of mother of Dhanwantabai.

6. In view of above, *prima facie* Jagdish appears to have been introduced by the prosecution.

7. Since the charge-sheet is already filed, in my view, further custodial presence of the applicant is not necessary. Consequently, this Court passes the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Manoj Bhowate be released on bail in connection with Crime No.63 of 2016 registered with Lakhandur Police Station of district Bhandara for the offences punishable under Sections 302 and 201 read with Section 34 of the

Indian Penal Code and Section 3(2)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 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 Saturday of every month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

(iv) It is made clear that the observations made in this order are only for the purposes of deciding the application for bail and learned Judge of the Trial Court shall not get influenced by the observations while conducting the Trial.

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

JUDGE

!! BRW !!

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