

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

CRIMINAL APPLICATION (BA) NO.1173/2017

Akshay s/o Vinod Daf & anr. .vs. The State of Maharashtra thr. PSO P.s. Butibori, Nagpur

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

Court's or Judge's orders.

Mr. A. K. Choube, Advocate for the applicant.
Mr. V. A. Thakare, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 20, 2017

1. Heard Mr. A. K. Choube, Advocate for the applicant and Mr. V. A. Thakare, A.P.P. for non applicant-State in extenso.

2. The applicants are arrested on 17.07.2017 in connection with Crime No.353/2017 registered with Police Station, Butibori, Dist. Nagpur for an offence punishable under Sections 304, 201, 451, 404, 506 read with Section 34 of the Indian Penal Code. The charge-sheet is already filed in the matter.

3. After hearing both the learned counsel, when this Court has shown inclination to grant bail insofar as applicant no.2-Kunal only and reject the application of applicant no.1-Akshay, the learned counsel Mr. Choubey sought instructions from the applicant's father Vinod Daf, who is personally present in the Court. On instructions, the learned counsel for the applicants submits that he wishes to withdraw the

present application insofar a applicant no.1-Akshay is concerned.

Permission is granted.

4. The FIR is lodged by one Kamal Kolhe. It is dated 17.07.2017. The deceased Renuka was her daughter. According to the first informant, there was a love affair between Renuka and Akshay. The FIR states that prior to three days, Renuka disclosed to the first informant that Akshay extended threats to Renuka that she should not talk to any other person else he will commit her murder. According to the FIR, on 17.07.2017, one Salman Shaikh informed the first informant that on 16.07.2017 at 3.30 p.m. when he was at the backside of the house of the first informant to answer the nature's call, that time, he noticed Akshay running away from the house of the first informant. It is also disclosed that to her by Salman that thereafter Akshay along with applicant no.2-Kunal and one Adish Daf have proceeded on the motorcycle. Except this particular statement, there is no allegation levelled against the applicant no.2-Kunal in the charges-sheet.

4. The investigation is over. The charge-sheet is already filed in the matter. Looking to the type of allegation levelled against the applicant no.2-Kunal, I am of the view that, prima facie, he has made out a case for grant of bail.

7. In that view of the matter, following order is passed.

ORDER

(i) Criminal Application No.1173/2017 is partly allowed.

(ii) Application, insofar as applicant no.1-Akshay Vinod Daf is concerned, is dismissed as withdrawn.

(iii) Applicant No.2-Kunal s/o Rameshwar Purke, be released on bail in connection with Crime No.353/2017 registered with Police Station, Butibori, Dist. Nagpur for an offence punishable under Sections 304, 201, 451, 404, 506 read with Section 34 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.50,000/- with two solvent sureties in the like amount.

The application is disposed of.

JUDGE