

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

CRIMINAL APPLICATION (BA) NO.1186/2017

Jayesh @ Paa s/o Vinayak Atram

..vs..

The State of Maharashtra, thr. PSO PS Ambazari, District Nagpur

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

Court's or Judge's Order

Shri C.R. Thakur, Counsel for the applicant.

Shri V.A. Thakare, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 18, 2017.

1. Heard learned counsel Shri C.R. Thakur for the applicant and learned Additional Public Prosecutor Shri V.A. Thakare for the State.

2. The applicant one of 11 accused persons is arrested on 1.2.2017 in connection with Crime No.45 of 2017 registered with Police Station Ambazari, District Nagpur for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, 1959 and under Section 135 of the Bombay Police Act.

3. The first information report is lodged by Vikas Chandrabhan Kuhike who is brother of deceased Pravin. His first information report statement dated 1.2.2017 shows that there was a murder of one Nilesh Kourati @ Bagga and on

account of that there were disputes in between supporters of said Bagga and his opponent and deceased Pravin tried to intervene in the said dispute.

4. According to the first information report, this particular intervention on the part of the deceased was not liked by Bagga's friends including the applicant and they used to extend threats of killing to Bagga's opponent and they were also angry with deceased Pravin.

5. According to the prosecution, there is an eyewitness to the incident and his name is Roshan. The statement of Roshan though shows that he has actually witnessed the assault on Pravin, he has not named the applicant as one of assailants. On the contrary, he has named of 4 persons as assailants. Insofar as other persons are concerned, test identification parade is not conducted by the prosecution in the present case.

6. There is no recovery of any weapon from the applicant. Only blood stained clothes are seized.

7. Looking to the aforesaid nature of evidence and charge-sheet is filed, the applicant has made out a case for grant of bail. Consequently, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Jayesh @ Paa s/o Vinayak Atram, be

released on bail in connection with Crime No.45 of 2017 registered with Police Station Ambazari, District Nagpur for the offences punishable under Sections 302 and 120(B) read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, 1959 and under Section 135 of the Bombay Police Act on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

(iii) The applicant shall attend the police station twice a month i.e. on first and second Saturday of every month, till culmination of the Trial.

(iv) The applicant shall be with the Police Station Officer in those days in between 3:00 p.m. and 5:00 p.m..

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

JUDGE

!! BRW !!

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