

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

CRIMINAL APPLICATION (BA) NO.121/2018

Balu @ Roshan s/o Ramkisan Khursunge

..VS..

State of Mah., thr. PSO Tiroda, Tahsil Tiroda, District Gondia

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

Court's or Judge's Order

Shri A.M. Sharma, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 8, 2018.

1. Heard learned counsel Shri A.M. Sharma for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
2. The applicant is arrested on 31.8.2017 in connection with Crime No.398/2017 registered against him with Police Station Tiroda, Tahsil Tiroda, District Gondia for the offences punishable under Sections 148, 149, 294, 302, 323, and 506 read with Section 34 of the Indian Penal Code.
3. The investigation is over and the charge-sheet is already filed.
4. Deceased is one Salman. According to the First Information Report (F.I.R.), which is lodged by Roshani, wife of deceased

Salman, on the day of the incident the deceased was under the influence of liquor. Quarrel took place between him and one Gopi.

5. According to the prosecution case, insofar as the applicant is concerned, there are eyewitnesses to the incident which occurred on 29.8.2017 and they are Mohsin Jalil Sheikh and Ashok Lende, as stated in the reply. Their statements are recorded on 11.9.2017. Thus, there is a considerable delay in recording their statements.

6. Further, the accusations against the applicant are most general in nature.

7. Looking to the fact that the charge-sheet is already filed and the statement of the eyewitnesses are recorded belatedly and accusations made against the applicant are most general in nature nature, in my view, the applicant who is in jail since 31.8.2017 need not to continue his jail presence. Hence, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Balu @ Roshan s/o Ramkisan Khursunge, be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.398/2017 registered against him with Police Station Tiroda, Tahsil Tiroda, District Gondia for the offences punishable under

Sections 148, 149, 294, 302, 323, and 506 read with Section 34 of the Indian Penal Code.

(c) The applicant shall attend the police station twice in a month i.e. on 2nd and 4th Fridays of every month, till culmination of the Trial.

(d) The applicant shall not extend any type of threats to any of the prosecution witnesses.

(e) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

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

JUDGE

!! BRW !!

...../-