

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

CRIMINAL APPLICATION (APPA) NO.157 OF 2018

(Shudhodhan s/o. Suresh Hadke and Ors. vs. State)

with

CRIMINAL APPLICATION (APPA) NO.172 OF 2018

(Shudhodhan s/o. Suresh Hadke and Ors. vs. State)

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

Court's or Judge's Orders

Mr.Barun Kumar, Advocate for applicants/appellant 2 to 4.
Mr.J.Y.Ghurde, A.P.P. for Non-Applicant/State.

CORAM : R. K. DESHPANDE &
M. G. GIRATKAR, JJ.

DATE : 27.2.2018.

Heard.

Criminal Application No.157 of 2018
is for re-calling and cancelling the Non-Bailable
Warrant issued against the applicant nos.1 to 3,
who are the accused nos. 2 to 4; whereas
Criminal Application No.172 of 2018 is for
release of said applicants on bail.

In response to the order dated 17th
February, 2018 passed by this Court issuing Non-
Bailable Warrant, Criminal Application No.157
of 2018 was filed. On 23rd February, 2018, this

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Court noted that the applicants are personally present before the Court and they were prepared to surrender themselves to the concerned Police Station at Sakkardara, Nagpur. Accordingly, the applicants surrendered themselves and were taken into custody. They were produced before us on 24th February, 2018 and this Court directed the Superintendent of Central Prison, Nagpur to take them in custody and to produce them before us today.

Accordingly, appellant no.2/applicant no.1 namely Shudhodhan s/o. Suresh Hadke, appellant no.3/applicant no.2 Sunil Raghunath Hargude and appellant no.4/applicant no.3 Mangesh @ Naru s/o. Lahubhan Gayakwad are produced before us today by ASI Ramesh Uikey, B.No.765, NPC Ravishankar Maheshwar, B.No.6681 and Police Constable Vinod Khonde, B.No.5887 at 10.30 a.m.. The matter was posted at 2.30 p.m. Now it is heard.

The accused persons are acquitted by the trial Court. An appeal is preferred by the State. The accused persons/applicants are, therefore, entitled to be released on bail and they be so released on bail on the same terms and conditions on which they were released by the Sessions Court pursuant to action taken

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under Section 390 of the Code of Criminal Procedure. Accordingly, they be released on bail. The applicants/accused shall remain present before this Court on each date of hearing and shall not leave the place of Nagpur without intimation being given to Police Station, Sakkardhara, Nagpur.

In view of the fact that the applicants/accused have surrendered themselves before Police Station, Sakkardara, the question of compliance of order dated 17th February, 2018 by the Joint Commissioner of Police does not at all arise.

Both the Criminal Applications stand disposed of accordingly.

JUDGE

JUDGE

jaiswal