

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

Criminal Application (BA) No. 201 of 2018

Ashok and anr v. State of Maharashtra

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

Court's or Judge's orders

Shri R. R. Vyas, Advocate for applicant
Shri S. D. Sirpurkar, APP for respondent-State

CORAM : S. B. Shukre, J

DATE : 19.3.2018

Heard. Reply of the prosecution is taken on record. Perused the charge-sheet and reply of the prosecution.

It is not disputed that brother of the applicant no. 1 was killed by naxals in 2004. Just because of this killing, I would say, the allegations made against the applicant no. 1 that he is also a supporter of naxals, would have to be taken with a pinch of salt. However, case of applicant no. 2 is totally different and allegations against him are serious in nature.

Applicant no. 1 was arrested on 14.10.2017 and considering the background of the applicant no. 1, nature of the prosecution case against him, I would say, takes a different colour showing some doubts about involvement of applicant no. 1 in this crime. I am, therefore, of the view that no fruitful purpose would be served by keeping applicant no. 1 behind the bar any longer. This would, however, be not the case with applicant no. 2 against whom there is a prima facie material and allegations against him are serious in nature. So, bail cannot be granted to him.

Application is partly allowed. Bail application of applicant no. 2 Santosh is rejected. However, bail application of applicant no.1 Ashok is allowed and it is directed that he be released on bail in Crime No. 23/2017 registered with Police Station, Bhamragarh for the offences punishable under Sections 143, 147, 148, 149, 307 and 120B of the Indian Penal Code read with Sections 4 and 5 of the Indian Explosives Act on his furnishing PR Bond of Rs. 20,000/- together with one solve surety in the like amount, on the following conditions :

(1) Applicant no. 1 shall attend Police Station, Bhamragad on every Sunday between 10.00 am and 12.00 pm till the conclusion of the trial.

(2) Applicant no. 1 shall attend the trial Court on all dates fixed in the matter and shall cooperate with the trial Court in expeditious disposal of the case.

(3) Applicant no. 1 shall not tamper with the prosecution evidence in any manner.

Disposed of.

JUDGE

joshi