

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

CRIMINAL APPLICATION (BA) 382 OF 2018

(Subhash s/o. Ramlal Kale..vs.. State, thr PSO, PS Kelwad, Dist. Nagpur)

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

Court's or Judge's orders.

Shri C.R. Thakur, counsel for applicant.
Shri V.A. Thakre, Addl. Public Prosecutor for respondent / State.

CORAM: ROHIT B. DEO, J.

DATE: 4th June, 2018.

Heard.

2 The applicant is in judicial custody since 5.8.2017 in connection with Crime 135 of 2017 for offence punishable under section 302 and 201 of the Indian Penal Code.

3 The accusation against the present applicant is that pursuant to a verbal altercation with the deceased – the brother of the applicant, the applicant assaulted the deceased with firewood which he picked up from the hearth.

4 The learned APP Shri V.A. Thakre, who is opposing strongly, points out that several injuries were suffered by the deceased. The learned APP would also submit that the applicant and his family reside in a room adjoining the room of the wife of the deceased. The wife of the deceased is the material witness in the trial and releasing the applicant on bail would make her position

vulnerable.

5 In the light of the material on record, I am inclined to allow the application. However, the apprehension expressed by Shri V.A. Thakare, the learned APP must be allayed. The learned counsel for the applicant undertakes that the applicant shall remain outside the territorial jurisdiction of Nagpur district till the trial is concluded.

6 The application is allowed.

7 The applicant be released on bail subject to furnishing personal bond of Rs. 15,000/- and a solvent surety of like amount.

8 The applicant shall not enter the territorial jurisdiction of Nagpur district except on dates of hearing, unless he is permitted to do so by the Trial Court for just and exceptional reason till the trial is concluded.

9 The applicant shall not tamper with the evidence nor shall applicant directly or indirectly attempt to influence the witnesses in any manner.

JUDGE

RS Belkhede, P.A.