

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

CRIMINAL APPLICATION (BA) NO.583 OF 2018

(Manohar Baluji Kulsange ..vs.. State of Maharashtra, through PSO, PS Virul)

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

Court's or Judge's orders

Shri M.V. Rai, Counsel for the applicant,
Shri T.A. Mirza, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 06-07-2018

The applicant is arrested in Crime 299/2017 for offence punishable under Section 307 of the Indian Penal Code and is in custody since 18-8-2017.

2. I have perused the injury certificate. Although there appears to be more than ample *prima facie* material on record in the form of statements of the eyewitnesses to connect the applicant with the assault, whether the offence if proved, would be under Section 307 of the Indian Penal Code is arguable. The applicant has no serious antecedents. He is facing one prosecution under the Maharashtra Prohibition Act and the other antecedent is a non-cognizable report for offence punishable under Sections 323 and 504 of the Indian Penal Code. The applicant has wife, aged parents and two minor daughters and nothing is demonstrated to suggest that the applicant is likely to flee away from the course of justice.

3. In this view of the matter, I do not see any justification in forcing the applicant to languish in jail till the conclusion of the trial.

4. The application is allowed.

5. The applicant be released on bail on executing personal bond of Rs.15,000/- with one solvent surety of the like amount.

6. The applicant shall not tamper with the evidence nor shall attempt to influence the witnesses in any manner.

7. The applicant shall not indulge in a similar offence and breach of this condition shall *ip so facto* entitle the State to seek cancellation of bail.

JUDGE

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