

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

MISC. CRIMINAL APPLICATION (APPA) NO. 573/2018
IN
CRIMINAL APPEAL NO. 292/2018

Gopal Pandurangji Tirmare

..VS..

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 A.A. Dhawas, Advocate for the applicant/appellant
Shri P.S. Tembhare, APP for the non-applicant/State

CORAM : Z.A.HAQ, J.

DATED : 06/07/2018

Heard.

By this application, the applicant seeks minor correction in the order passed by this Court on 25/05/2018 by which this Court directed that the applicant be released on bail provisionally on executing P.R. Bond for Rs. 25,000/- and furnishing two solvent sureties in the like amount. The learned Advocate for the applicant has pointed out that the applicant had filed criminal appeal under Section 14-A (1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short "the Act of 1989") to challenge the order passed by the learned Additional Sessions Judge by which the application filed by the applicant/appellant under Section 439 of the Code of Criminal Procedure, 1973 was rejected. The learned Advocate for the applicant/appellant has submitted that by order dated 25/05/2018, in fact the appeal itself was disposed by this

Court and therefore the order is required to be corrected accordingly by stating that the appeal stands disposed. It is submitted that the term “provisionally” which occurs in sub-para no. 2 of para no. 6 of the order dated 25/05/2018 is also required to be deleted. The learned advocate for the applicant/appellant has relied on the judgment given by the Division Bench of this Court in Criminal Appeal No. 193/2018 and has submitted that the appeal under Section 14-A (1) of the Act of 1989 is required to be placed before Single Judge of this Court.

The learned APP has not opposed the prayer made on behalf of the applicant/appellant.

Hence, the following order is passed:-

The order passed on 25/05/2018 is modified and it is directed that para no. 6 of the order be substituted by following para no. 6:-

“6. Considering the facts of the case and as the non-applicant has not been able to point out that custody of the applicant is further required for investigation, the following order is passed:

The applicant, having been arrested in connection with Crime No. 960 of 2017 registered by the non-applicant, he be released on bail on executing P.R. Bond for Rs. Twenty Five Thousand and furnishing two solvent sureties in the like amount.

The appeal is allowed accordingly.”

Office shall correct the order accordingly.

The miscellaneous criminal application stands allowed in the above terms.

JUDGE

Ansari