

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

CRIMINAL APPLICATION (BA) NO.647 OF 2018

(Amol s/o Subhash Salve Vs. State of Maharashtra thr. PSO PS Jaripatka, Nagpur)

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

Court's or Judge's orders.

Shri S.G. Karmarkar, Advocate for Applicant.
Shri M.K. Pathan, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 23rd JULY, 2018.

The applicant is in judicial custody since 09.11.2016 in Crime 682/2016 registered with the Police Station Jaripatka, Nagpur for offence punishable under section 495, 460 read with section 34 of the Indian Penal Code.

2] The incident occurred at 10:00 p.m. or thereabout on 08.11.2016. A senior citizen Shri Panjabrao Pendam noticed three unknown persons in his house and when he raised an alarm one of them assaulted him with stick. The three unknown persons thereafter fled.

3] The prosecution case is that the applicant was one of the three persons who first entered the house of Panjabrao Pendam and after fleeing entered the house of Sanjaykumar Rangari. The case of the prosecution is that the applicant was apprehended on the spot by Sanjaykumar Rangari.

4] Concededly, no identification parade is conducted. It is of course for the Trial Court to assess the evidence and the probative value thereof. However, in the teeth of the material on record, I do not see any impediment in releasing the applicant on bail, since further incarceration would be a pretrial punishment.

5] The application is allowed.

[i] The applicant be released on bail on his furnishing a personal bond of Rs.15,000/- with two solvent sureties of the like amount.

[ii] The applicant shall report at Police Station Jaripatka, Nagpur on the 15th and 30th of the every month till the conclusion of the trial.

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

JUDGE