

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

CRIMINAL APPLICATION (BA) NO.875/2018

Dilip S/o Gangadhar Yadnekar

..Vs..

State of Maharashtra, through Police Station Officer, Police Station
Kalmeshwar, Tah. Kalmeshwar, Distt. Nagpur

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

Court's or Judge's orders

Shri R.M. Patwardhan, Advocate for the applicant.
Shri T.A. Mirza, A.P.P. for the non-applicant.

CORAM : Z.A. HAQ, J.

DATE : 12.10.2018.

Heard.

The applicant is arrested on 27th February, 2018 in connection with Crime No.132/2018 registered by the non-applicant for the offence punishable under Sections 143, 147, 148, 149, 324, 307 and 302 of the Indian Penal Code. Initially, the crime was registered against 14 persons, however, the charge-sheet is filed against 11 persons.

The learned Advocate for the applicant submitted that the accusations against the applicant as reflected in the F.I.R. are that at the time of assault on victim, the applicant was holding a stick, however, subsequently, the investigating agency has come out with the case that at the time of incident the applicant was holding "Farsa". The details of injury as reflected in the report of postmortem examination show that victim suffered one lacerated wound on left temporal region.

The applicant is aged about 60 years and claims to be a labourer and has stated that any other crime / offence is not registered against him. It is further stated that he is a permanent resident of Selu, Tah. Kalmeshwar, Distt. Nagpur and is having immovable property / properties at Selu.

The investigation is complete and charge-sheet is filed on 23rd May, 2018. The non-applicant has not been able to point out that further custody of applicant is required by it.

In the facts of the case, following order is passed:

The applicant having been arrested in connection with Crime No.132/2018 registered by the non-applicant, he be released on bail on furnishing cash security of Rs.2,00,000/- (Two Lakhs) and two solvent sureties for Rs.50,000/- each (Fifty Thousand).

The applicant shall attend the sessions trial on every date unless granted exemption by the Sessions Court.

The Sessions Court shall expedite the trial and conclude it within one year.

If either applicant or any co-accused fails to attend the trial or fails to co-operate for expeditious trial, the Sessions Court shall refer the matter of that accused for cancellation of bail.

The cash security, which would be deposited by the applicant, shall be treated as muddemal property and regarding disposal / disbursement of it, appropriate

orders shall be passed by the Sessions Court at the conclusion of the trial.

The application is **allowed** in the above terms.

JUDGE

Tambaskar.