

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

CRIMINAL APPLICATION (BA) NO. 885/2018

Pralhad S/o Manohar Zilpe

..VS..

State of Maharashtra, Thru PSO, Pavni, Dist. Bhandara

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

Court's or Judge's orders

Shri O.K. Masurke, Advocate for the applicant
Shri N.B. Jawade, APP for the non-applicant/State a/b Shri A.S. Dhore,
Advocate in APPP No. 1710/18

CORAM : Z.A.HAQ, J.

DATED : 10/10/2018

CRIMINAL APPLICATION (APPP) NO. 1710/2018

By this application, the widow and children of the victim (deceased) seek permission to assist the prosecution. Considering the facts of the case, permission is granted to the applicants as prayed for.

The criminal application is **allowed** accordingly.
No costs.

CRIMINAL APPLICATION (BA) NO. 885/2018

Heard.

The applicant is arrested on 23/05/2018 in connection with Crime No. 139/2018 registered by the non-applicant against two accused (the applicant and his brother) for the offences punishable under Section 302, Section 341

and Section 34 of the Indian Penal Code.

The facts on record show that there was dispute going on between the accused and the victim in respect of execution of the sale-deed of the agricultural land. According to the Investigating Agency, the accused had agreed to sell the agricultural land to the victim for Rs. 5,10,000/- and the amount was also given to the accused however, the accused avoided to execute the sale-deed. The civil suit praying for decree for specific performance of the agreement is going on.

The application is opposed on the ground that if the applicant is released on bail, he may pressurize the family members of the victim.

The investigation is complete and charge-sheet is filed on 16/08/2018. The non-applicant has not been able to point out that the applicant is habitual offender or that other crime/offence is registered against him. The non-applicant has not been able to show that further custody of the applicant is necessary.

The advocate for the applicant, on instructions from the wife of the applicant has submitted that to show bonafides, the applicant is willing to furnish cash security of Rs. 5,10,000/-.

Considering the facts of the case, the following order is passed:-

(i) The applicant having been arrested in connection with Crime No. 139/2018 registered by the non-applicant, he

be released on bail on furnishing cash security of Rs. 5,10,000/- and two solvent sureties for Rs. 50,000/- each.

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

If the applicant fails to attend the trial on any date without seeking exemption, the Sessions Court may refer the matter for cancellation of bail granted to the applicant.

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

(iv) The cash security that would be deposited by the applicant shall be treated as Muddemal and orders regarding its disbursal shall be passed at the time of conclusion of the trial.

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

JUDGE

Ansari