

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

CRIMINAL APPLICATION (BA) NO. 920/2018

Amit S/o Rajkumar Gajbhiye

..VS..

The State of Maharashtra, Thru PSO, Bhandara

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

Court's or Judge's orders

Shri A.R. Sharma, Advocate for the applicant
Shri T.A. Mirza, APP for the non-applicant/State

CORAM : Z.A.HAQ, J.
DATED : 11/10/2018

Heard.

The applicant is arrested on 10/03/2018 in connection with Crime No. 192/2018 registered by the non-applicant against six accused (including the applicant) for the offences punishable under Section 302, Section 201, Section 109 and Section 34 of the Indian Penal Code.

The accusations against the applicant are that he accompanied the co-accused at the time of commission of the crime. To show the involvement of the applicant, the Investigating Agency relies on the statement of Shashikant Rajurkar recorded on 19/03/2018. Shashikant Rajurkar has stated that he had received a phone call on his cell phone on 09/03/2018 at about 9:00 pm and the person who had made the call had told Shashikant that the caller was Amit Gajbhiye (i.e. the applicant) and the caller had further told him that the victim was assaulted.

The learned advocate for the applicant has pointed out that the co-accused Pramod Wavdhane and Manoj Navkhare are released on bail as per the orders passed

by this Court on Criminal Application (BA) No. 658/2018 and Criminal Application (BA) No. 713/2018.

The applicant, aged about 20 years, claims to be a labourer and has stated that any other crime/offence is not registered against him. The investigation is complete and charge-sheet is filed. The non-applicant has not been able to show that further custody of the applicant is necessary.

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

(i) The applicant having been arrested in connection with Crime No. 192/2018 registered by the non-applicant, he be released on bail on executing P.R. Bond for Rs. 20,000/- and on furnishing two solvent sureties in the like amount.

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

If any of the accused fails to attend the trial or/and attempts to protract the trial, the learned Sessions Judge shall refer the matter for cancellation of the bail of that accused.

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

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

JUDGE