

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

CRIMINAL APPLICATION (BA) NO.1213/2017

Ganesh s/o Laxman Mungbhate

..VS..

State of Mah., thr. its PSO, Nandanwan PS, Nagpur

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

Court's or Judge's Order

Shri B.L. Borikar, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 10, 2018.

1. Heard learned counsel Shri B.L. Borikar for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. The present application is filed under Section 439 of the Code of Criminal Procedure for enlargement of the applicant on bail.

3. The applicant is arrested in connection with Crime No.252 of 2017 registered with Police Station Nandanwan, District Nagpur for the offence punishable under Section 306 of the Indian Penal Code.

4. The investigation is already over. The investigating officer has filed the charge-sheet in the Court of law.

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5. Deceased is the sister of the applicant. Initially, an accidental death vide AD No.69 of 2017 was registered on the basis of the report lodged by Vijaya, another sister of the deceased. In the said report it is stated that the present applicant, who is the brother of the deceased, used to consume liquor and under the influence of liquor there used to be quarrels between the deceased and the applicant and, therefore, ultimately, fed up with such quarrels, she committed suicide by consuming poison.

6. After the inquiry in the said accidental death, the first information report is registered as the applicant was arrested on 4.8.2017 and since then he is languishing in jail.

7. The investigation is already over and even according to the prosecution, the applicant used to be under the influence of liquor and on that count there used to be quarrels between the deceased and the applicant.

8. Since the investigation is over and looking to the nature of accusations made against the present applicant, in my view, further custodial presence of the applicant is not required. Hence, this Court passes the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Ganesh s/o Laxman Mungbhate,

be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.252 of 2017 registered with Police Station Nandanwan, District Nagpur for the offence punishable under Section 306 of the Indian Penal Code.

(c) The applicant shall attend the police station twice in a month i.e. on 3rd and 4th Saturdays of every month and shall be with the investigating officer from 03:00 p.m. to 5:00, till culmination of the Trial.

(d) The applicant shall not indulge in any activities which will prejudice to the prosecution.

(e) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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