

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

CRIMINAL APPLICATION (ABA) NO.465/2019

Gaurav alias Chotu Ganesh Ingle .vs. State of Maharashtra, through PSO
P.S. Janephal, Tq. Mehakar, Dist. Buldhana

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

Court's or Judge's orders.

Mr. R. M. Daga, Advocate with Mr. M. V. Amle, Advocate for
applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 20, 2019

Criminal Application No.1354/2019

This is an application filed by complainant to
assist the prosecution.

Heard learned counsel for the parties.

For the reasons stated in the application, it is
allowed. Complainant is allowed to assist the prosecution.

The application is disposed of.

Criminal Application (ABA) No.465/2019

Heard Mr. Daga, learned counsel for applicant,
Mr. Thakare, learned A.P.P. for non applicant-State and
Mr. Tirukh, learned counsel assisting the prosecution.

Applicant is apprehending his arrest in connection
with Crime No.49/2019, registered with Police Station,
Janefal, Tq. Mehkar, Dist. Buldhana, for an offence
punishable under Section 304 of the Indian Penal Code.

The incident in question has occurred on 23.03.2019 and the FIR is lodged on 25.03.2019. Thus, there is a delay in lodging the FIR. It is always open for the prosecution to explain the delay at an appropriate stage.

Investigation papers, which are available to me, would show that the investigation is almost complete. According to prosecution case, deceased who was a boy of 13 years of age and the applicant, who is a boy of 18 years of age, were playing along with their other friends near a well. According to the prosecution, at that time, applicant pushed the deceased into the well. The investigation papers do not reveal that there is an element of motive on the part of the applicant to terminate Vikas.

This Court (Coram: Manish Pitale, J.) on 11.07.2019 granted ad interim anticipatory bail in favour of the applicant with a direction to applicant to attend Police Station on every Sunday. In pursuance to that, it is submission of learned counsel for applicant that applicant has attended Police Station, Janefal on 16 occasions. He has also filed a diary showing his attendance in the said Police Station along with an affidavit having Stamp No.4058/2019. Even said aspect is not at all disputed by learned A.P.P.

Looking to nature of the accusations made against applicant and the fact that applicant is only 18 years of age, who has passed 12th standard examination very recently, in my view, order dated 11.07.2019 is required to be confirmed. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Order dated 11.07.2019 passed by this Court is confirmed.
- (iii) Applicant is directed to attend Police Station as and when his presence is required, till filing of charge-sheet. However, for that the investigating officer shall give a clear cut three days written communication to him.

The application is disposed of.

JUDGE

kahale