

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

CRIMINAL APPLICATION (BA) NO.782/2019

Nitin @ Nitesh s/o Subhashrao Tadas

..VS..

State of Mah., thr. PSO Hinganghat, Tahsil Hinganghat, District Wardha

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

Court's or Judge's Order

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Shri D.R.Bhoyar, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : AUGUST 30, 2019.

1. Heard learned counsel Shri D.R.Bhoyar for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State.
2. The applicant is accused along with Pratik and Ritik in connection with Crime No.397/2018 registered with Hinganghat Police Station, District Wardha for offences under Section 302 read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act for committing murder of Manoj Thakare.
3. The present application for grant of bail is opposed by the prosecution through its reply on the ground that there are 3 eyewitnesses in the prosecution case and there is criminal antecedents against the applicant.
4. It will be useful to refer order passed by this Court (Coram : Manish Pitale, J.) on 30.7.2019 in Criminal

Application No.520/2019 wherein Pratik Sontakke, the applicant in that application, was released on bail. It was noticed by this Court that though 3 eyewitnesses were in hospital and in the company of police officials, they did not make any statement against any of accused persons and only on the next day names of accused persons figured in the prosecution. Role attributed to the present applicant and applicant-Pratik Sontakke, in Criminal Application No.520/2019 who was released on bail, is identical except addition is that according to the prosecution, he brought iron rod and it is seized at the behest of the applicant.

5. Investigation is over and chargesheet is filed.

6. When the person similarly circumstance is released on bail, I am of the opinion that though there is slight difference between role, the said cannot hamper consideration of the application in the applicant's favour. That leads me to pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant-Nitin @ Nitesh s/o Subhashrao Tadas, be released on bail on he executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount, in connection with Crime No.397/2018 registered with Hinganghat Police Station, District Wardha for offences under Section 302 read with Section 34 of the Indian Penal

Code and under Section 135 of the Maharashtra Police Act.

(iii) The applicant is directed to attend the police station once in a month i.e. on 3rd Saturday of every month and shall be in the police station from 2:00 p.m. to 5:00 p.m., till culmination of that Trial.

(iv) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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