

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

CRIMINAL APPLICATION (BA) NO.1085 OF 2018

(Abhijit @ Babu s/o Lalsingh Thakur Vs. State of Maharashtra thr. PSO PS Wardha
(City), Dist. Wardha)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate with Shri C.R. Thakur, Advocate for Applicant.
Shri H.R. Dhumale, APP for Non-Applciant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 7th FEBRUARY, 2019.

Heard Shri Daga, Advocate for the applicant.

He has pointed out charge-sheet (summary of investigation). From the perusal of contents, it appears that the deceased himself abused filthy language to the present applicant for two times, first time he left the place. Again he returned back again deceased was abusing in filthy language. It appears that deceased himself provoked the applicant for quarrel. During the quarrel the applicant stabbed the deceased. Whether it is an offence punishable under Section 302 or 304 Part-I of IPC is to be decided by the trial Court after recording the evidence.

The applicant is in jail since last one year. Investigation is complete. Charge-sheet is filed.

Shri Dhumale, learned APP has strongly objected the application.

Learned APP has submitted that the applicant is

the author of crime, and therefore, he is not entitled for bail. There is no dispute that accused is the author of crime but looking to the contents of the gist of the charge-sheet it appears that the deceased provoked the applicant to cause injury. Whether it is a offence punishable under section 302 or 304 Part-I of IPC is to be decided. Investigation is complete. Charge-sheet is filed. Hence, the following order.

- [i] The application is allowed.
- [ii] The applicant be released on bail on furnishing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount on the following conditions.
 - [a] He shall reside outside Wardha City till the decision of the trial.
 - [b] The applicant shall not tamper the evidence of prosecution.
 - [c] The applicant shall attend the trial Court on each and every date.
 - [d] The applicant shall not leave the jurisdiction of trial Court.
 - [e] The applicant shall cooperate in the investigation.
 - [f] The breach of any condition amounts to cancellation of bail.

JUDGE