

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

CRIMINAL APPLICATION (BA) NO. 177 OF 2020

Sanotsh s/o Keshav Jadhao

.Vs.

State of Maharashtra

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

Court's or Judge's orders.

CORAM : Z.A. HAQ, J.

DATED : MAY 15, 2020

Heard Shri A.B. Mirza, Advocate for the applicant, Smt. M.H. Deshmukh, learned APP for the non-applicant – State, and Shri D.R. Khapre, Advocate for the complainant on his application seeking permission to assist the prosecution.

By this application under Section 439 of the Code of Criminal Procedure, the applicant seeks direction to the non-applicant to release him on bail, having been arrested in connection with Crime No.168/2019 registered with the non-applicant Police Station for the offences punishable under Sections 302 and 506 read with Section 34 of the Indian Penal Code.

The crime is registered against four persons (including the applicant). According to the prosecution, dispute arose on the claim made by the applicant and the deceased regarding right of way through agricultural land. The applicant is in jail since 13.08.2019. Charge-sheet is

filed on 05.11.2019. Two accused are granted bail pursuant to the order dated 13.12.2019.

The non-applicant is not able to point out that further custody of the applicant is required for investigation.

Considering the facts of the case and the present situation, I am of the view that following order would subserve the ends of justice:

The applicant having been arrested in connection with Crime No.168/2019 registered with the non-applicant Police Station, be released on bail on executing PR bond for ₹1,00,000/- and on furnishing cash security of ₹1,00,000/-.

The applicant shall attend the Sessions Court on every date of Sessions trial, unless exemption is granted by the Sessions Court.

In case of failure on the part of the applicant to attend the trial as directed by this order, the non-applicant will be at liberty to file an application for cancellation of bail granted by this order.

The amount of ₹1,00,000/- which will be deposited as per this order be treated as *muddemal* and disposal of it shall be as per the order passed by Sessions Court at the time of conclusion of the trial.

The Criminal Application is allowed in the above terms.

JUDGE