

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

CRIMINAL APPLICATION (BA) NO.203/2020

Atish @ Austin Robert Francis

...Versus...

The State of Maharashtra, through P.S.O., Police Station, Koradi, Dist. Nagpur

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

Court's or Judge's orders

Shri C.R. Thakur, Counsel for applicant
 Shri P.S. Tembhare, APP for non-applicant/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 25/06/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

Heard Shri Thakur, learned Counsel for the applicant and Shri Tembhare, learned Additional Public Prosecutor for the non-applicant.

It is the case of the prosecution that on 14/10/2019 when the deceased had gone along with his friend Umakant Fanibhare to drink liquor at Koradi Naka, one Sanju Pande the main accused had come there and had a tiff with the deceased. The said Sanju Pande thereafter came again with four persons, who assaulted the deceased. The eyewitness Umakant categorically mentions that the main accused Sanju Pande had picked-up a tile lying on the spot and had assaulted the deceased on his head, which is the reason for the death.

Except for being a member of the unlawful assembly and except for assaulting the deceased, there is no other allegation against the present applicant. The investigation is complete and the charge-sheet has been filed on 09/01/2020. The accused is in custody from 19/10/2019. Any apprehension on part of the prosecution of the accused tampering with the evidence can be made with imposition of conditions upon the applicant. In that light of the matter, I am inclined to grant bail to the applicant/accused. Hence, the following order.

(1) The applicant - Atish @ Austin Robert Francis having been arrested in Crime No.325/2019 registered with Police Station Koradi, Distt. Nagpur for the offence punishable under Sections 143, 147, 149, 307, 323, 504, 506 and 302 of Indian Penal Code be released on bail upon furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties in like amount.

(2) The applicant shall remain out of the limits of Koradi town during the course of the trial.

(3) The applicant shall not tamper with the prosecution witnesses or threaten them in any manner whatsoever.

Criminal application is allowed and disposed of accordingly.

JUDGE

Wadkar

Shailendra
Wadkar

Digitally signed
by Shailendra
Wadkar
Date:
2020.06.25
19:32:54 +0530