

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

CRIMINAL APPLICATION (BA) NO. 1167 OF 2019

Kundan s/o Liladhar Nagpure .Vs. State of Maharashtra, through PSO, PS,

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

Court's or Judge's orders.

Mr. Raju Kadu, Advocate for applicant.

Mr. M.K. Pathan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 20, 2020.

Heard Mr. Kadu, learned counsel for applicant and Mr. Pathan, learned Additional Public Prosecutor for non applicant-State. Also perused the reply filed on behalf of the prosecution and charge-sheet.

The applicant is arrested in connection with Crime No.65/2019 registered with Police Station, Shantinagar, Nagpur for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

Wheels of criminal law were set into motion by Priyanka, widow of deceased Pravin Gaidhane on 17.02.2019 by lodging report at Police Station, Shantinagar, Nagpur. As per report, when she was proceeding towards the house of one Thakare that time co-accused Liladhar Nagpure caught hold hands of her husband and Kundan (applicant) assaulted on him by fist and kick blows, whereas another co-accused Omprakash assaulted on deceased Pravin by means of stick.

The postmortem report shows that the deceased succumbed to his injuries caused to his head. The investigation is over and charge-sheet is already filed.

This Court on 17.10.2019 already released co-accused Liladhar Nagpure on bail, whose role is that he caught hold the deceased.

Looking to the nature of accusation made against the applicant that applicant has assaulted by means of fist and kick blows and looking to the cause of death i.e. head injury, in my view, further custodial presence of the applicant is not necessary. Consequently, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant – Kundan s/o Liladhar Nagpure, be released on bail in connection with Crime No.65/2019 registered with Police Station, Shantinagar, Nagpur for an offence punishable under Section 302 read with Section 34 of the Indian Penal Code, on he executing P.R. bond in the sum of ₹25,000/- with one solvent surety in the like amount.
- (iii) Applicant shall not enter the jurisdiction of Police Station, Shantinagar, Nagpur during the pendency of the trial.
- (iv) Applicant shall attend the Police Station, Lakadganj, Nagpur thrice in a month i.e. first Saturday, second Tuesday and third Sunday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m., until

culmination of the trial.

(v) Applicant shall not try to influence any of the prosecution witnesses either giving threat or any type of alarm to them.

(vi) Applicant shall attend all the Court dates without fail.

(vii) If there is a breach committed by the applicant of any condition, it shall be open for the prosecuting agency to file an application for cancellation of bail.

The application is disposed of.

JUDGE

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