

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

CRIMINAL APPLICATION (BA) NO. 1203/2020
(Pradip s/o Shantaram Dabhade vs. State of Maharashtra :Th. PSO PS
Old City, Akola)

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

Court's or Judge's order

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Mr. A.S.Londhe, Advocate for the applicant
Ms. Nivedita Mehta, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 8th February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.P.C. seeking bail for offence punishable u/s. 302 (subsequently added Sec.404) of the Indian Penal Code, registered at Police Station Old City, Akola, in respect of Crime No. 303/2019.

2. I have heard learned counsel for the respective parties. Perused the case-papers.

3. The applicant is the step son of the deceased. The First Information Report was lodged against him by his step brother merely on the basis of suspicion, as the applicant was found near the dead body of the deceased. The cause of death as seen from the *post-mortem* report is "asphyxia due to throttling".

4. Learned counsel for the applicant vehemently argued that the applicant was the step son of the deceased and his presence at the place of the incident is natural one; so also there is no recovery from him. Moreover there are no criminal

antecedents to his discredit.

5. Learned APP opposed the Application.

6. After hearing both sides and on a perusal of the case-papers and the reply filed by the prosecution and considering the manner in which the incident had taken place and also the fact that presence of the applicant at the place of incident is natural one and the charge-sheet has been filed in the matter, I am of the opinion that the applicant can be released on bail by imposing certain conditions . Hence the order :-

ORDER:

The applicant – Pradip Shantaram Dabhade, be released on bail for offence punishable u/s 302 of the Indian Penal Code, on his executing a PR bond in the sum of Rs. 30,000/- (rupees thirty thousand) with one or two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till framing of the charge by the trial court.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.

(v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.

(vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

CRLAPPP 1297/2020

In view of disposal of main Application, this Application does not survive. The same is disposed of.

JUDGE

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