

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

CRIMINAL APPLICATION (BA) NO.1245/2021

Suraj @ Lalla s/o Kalicharan Thakur

..VS..

State of Mah., thr.PSO PS Paratwada, Taluka Achalpur, District Amravati

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

Court's or Judge's Order

.....
Shri Anil Mardikar, Senior Counsel for the Applicant.
Ms T.H.Udeshi, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : DECEMBER 07, 2021.

1. By this application, the applicant seeks to get himself released on bail since he is arrested in connection with Crime No.401/2018 registered with Paratwada Police Station, District Amravati for offences punishable under Sections 302, 201, and 120-B read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act and under Sections 4 and 25 of the Arms Act.

2. Heard learned senior counsel Shri Anil Mardikar for the applicant and learned Additional Public Prosecutor Ms T.H.Udeshi for the State.

3. Entire investigation is over and chargesheet is already filed.

4. In the chargesheet, three persons are made accused, they are (1) Deepak; (2) Suraj, the present applicant, and (3) Pawan.

5. After having filed the chargesheet, accused No.3

Pawan approached to this Court by filing Criminal Application No.510/2019 for grant of bail. On 22.7.2019, this Court (Coram : Manish Pitale, J.) allowed the said application considering his role that at the time of assault on deceased Sayyad Saleem, said Pawan was holding hands of the deceased when he was assaulted by accused No.1 Deepak and when there was exhortation from the present applicant.

6. First Information Report is dated 14.11.2018. The report is lodged by Sayyad Imran, the real brother of deceased Sayyad Saleem. The First Information Report shows that he is an eyewitness. As per his report, when he along with the deceased was reaching to Navrang Durgadevi Mandal, three persons came and accused No.1 Deepak assaulted by "Katti" on the head of the deceased. At that time, accused No.3 Pawan caught hold hands of the deceased and role attributed to the present applicant was that he shouted as "मार सालेको, उसने तेरेको मारा था". Except the said, no role is attributed to the present applicant.

7. Learned Additional Public Prosecutor Ms T.H.Udeshi for the State, has opposed the application on ground of criminal antecedents against the applicant.

8. Criminal antecedent can not be only consideration for deciding bail application. It is one of consideration. In past criminal cases, the applicant is already released on bail.

9. Looking to the role attributed to the applicant in the present crime, in my view, his past criminal record may not be impediment to him.

10. In this view of the matter, looking to the role attributed to the applicant, in my view, the application of the

applicant can be considered favourably on imposing certain conditions on him. Resultantly, I pass following order:

ORDER

- (1) The criminal application is allowed.
- (2) Applicant-Suraj @ Lalla s/o Kalicharan Thakur be released on bail, in connection with Crime No.401/2018 registered with Paratwada Police Station, District Amravati for offences punishable under Sections 302, 201, and 120-B read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act and under Sections 4 and 25 of the Arms Act, on his executing a P.R.Bond in the sum of Rs.15000/- with one solvent surety of the like amount.
- (3) The applicant is directed to attend the police station twice in a month i.e. on 3rd Saturday and 4th Saturday of every month, till the trial is over.
- (4) The applicant is directed that he shall not cause any type of threat to prosecution witnesses or the first information and shall not tamper with prosecution witnesses.
- (5) The observations made in this order are only for deciding the bail application. The Court before whom trial will be conducted should not be influenced by it.

With this, the criminal application is allowed and disposed of accordingly.

JUDGE

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