

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1374 OF 2017

(Arising out of S.L.P. (Crl.) No. 1790 of 2017)

ASHOK & ANR.

Appellant (s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

WITH

SPECIAL LEAVE PETITION (CRL.) NOS. 2314-2317 of 2017

NIRMALA DEVIDAS CHAVAN

Petitioner (s)

VERSUS

THE STATE OF MAHARASHTRA & ANR. ETC.

Respondent(s)

O R D E R

S.L.P. (Crl.) Nos. 2314-2317 of 2017:

The petitioner-Complainant has come up against the impugned judgment dated 19.01.2017 passed by the Nagpur Bench of the Bombay High Court in which Milind Madhukar Chavan, Duryodhan Ramdhan Rathod, Vishwanath Fakira Jadhao and Sudhakar Shivram Chavan were enlarged on bail considering the case of co-accused Arun.

Learned counsel for the petitioner-Complainant points out to us that the co-accused Arun did not hit the deceased but was hitting her husband, who was the father of the deceased, whereas Milind Madhukar Chavan and Duryodhan Ramdhan Rathod along with Janardhan were continuously hitting Avinash as a result of which he succumbed to his injuries. Be that as it may, we have been

informed that short of Janardhan Rathod and two other accused, who were holding Avinash, all the other accused have been released on bail.

In this view of the matter, we do not find any ground to interfere in these Special Leave Petitions and the same stand dismissed.

CRIMINAL APPEAL NO. 1374 OF 2017
(Arising out of S.L.P. (Crl.) No. 1790 of 2017)

Heard the learned counsel appearing for the parties.

Applications for exemption from filing O.T. and impleadment are allowed.

Delay condoned.

Leave granted.

In view of our order in S.L.P. (Crl.) Nos. 2314-2317 of 2017, the impugned order dated 12.10.2015 passed by the Nagpur Bench of the Bombay High Court is set aside. The appellants before us are directed to be enlarged on bail to the satisfaction of the trial Court.

The appeal is allowed in the aforesaid terms.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(SANJAY KISHAN KAUL)

New Delhi;
August 08, 2017.

ITEM NO.30

COURT NO.12

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 1790/2017

(Arising out of impugned final judgment and order dated 12-10-2015 in CRLBA No. 662/2015 passed by the High Court Of Bombay At Nagpur)

ASHOK & ANR.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(FOR CONDONATION OF DELAY IN FILING ON IA 3208/2017
FOR CONDONATION OF DELAY IN REFILING ON IA 3210/2017
FOR ON IA 3999/2017
FOR EXEMPTION FROM FILING O.T. ON IA 4000/2017
FOR [PERMISSION TO FILE ANNEXURES] ON IA 4001/2017
FOR [IA FOR IMPLEADMENT AND EXEMPTION FROM OT] ON IA 24072/2017)

WITH

SLP(Crl) Nos. 2314-2317/2017 (II-A)
(FOR EXEMPTION FROM FILING O.T. ON IA 4997/2017
FOR EXEMPTION FROM CERTIFIED COPY OF IMPUGNED ORDER ON IA 5001/2017)

Date : 08-08-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Sudheer Voditel, Adv.
Mr. Rajendra Daga, Adv.
Mr. Anupam Mishra, AOR

Ms. Shubhangi Tuli, AOR

For Respondent(s) Mr. Nishant Ramakantrao Katneshwarkar, AOR
Mr. A. N. Arora, AOR

UPON hearing the counsel the Court made the following
O R D E R

S.L.P. (Crl.) Nos. 2314-2317 of 2017:

Exemption from filing O.T. is allowed.

The Special Leave Petitions stand dismissed in terms of the signed order.

Pending applications, if any, stand disposed of.

S.L.P. (Crl.) No. 1790 of 2017:

Heard the learned counsel appearing for the parties.

Applications for exemption from filing O.T. and impleadment are allowed.

Delay condoned.

Leave granted.

In view of our order in S.L.P. (Crl.) Nos. 2314-2317 of 2017, the impugned order dated 12.10.2015 passed by the Nagpur Bench of the Bombay High Court is set aside. The appellants before us are directed to be enlarged on bail to the satisfaction of the trial Court.

The appeal is allowed in terms of the signed order.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)