

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2366 OF 2015.

RAVINDRA S/O VISHNU RAGADE.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance =>

Mr. G.A. Kulkarni, Advocate h/for Mr. Rajendra S. Deshmukh,
Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 29th June, 2015.

Per Court :-

Leave to amend.

[2] Present Criminal Application is filed by the Applicant for grant of regular bail in connection with CR No. 158/2014 registered with Police Station, Nandurbar (City), Taluka & District - Nandurbar for the offences punishable under Section/s 302 read with 34 of the Indian Penal Code and under Section 4 read with Section 25 of Arms Act, 1959.

[3] Heard Mr. G.A. Kulkarni, learned counsel for the Applicant and Mr. U.S. Mote, learned Additional Public Prosecutor for the State.

[4] First Information Report is lodged by Nilam Srawan Tamaychekar. Deceased is Sangita, who is her mother. According to the First Information Report, deceased Pinki @ Sangita was to perform

“navratra ceremony” at Gautamnagar; however, co-accused Sanjay was opposing the said idea of deceased. On 23rd September, 2014 when first informant, her mother and her friend Aamrin had been to the power house to answer the nature's call and while returning, when they came in front of office of Deputy Chief Engineer, Western Railway, Nandurbar, Sanjay called Sangita by calling her as “Pinki”. She obliged the request made by Sanjay. That time, according to the F.I.R., altercation took place amongst them. Thereafter, Sanjay asked the first informant that she should leave the place, therefore, the first informant and her friend – Aamrin started to proceed towards their house and when they had been to the house of first informant that time, her brother – Sohan came and he disclosed that there was assault on their mother. This is sum and substance of the F.I.R.

[5] From the First Information Report thus, it is clear that first informant is not eye witness. She has reported the matter to police on the basis of information received by her. There are three statements in the charge sheet, who according to prosecution are eye-witnesses. Those are of Sohan, Rohan and Satish. All three witnesses are minor. Police statements are also recorded and also their statements before the learned Magistrate are also recorded.

[6] Both the statements of Sohan shows that present Applicant caught hold Sangita and then Sanjay gave sickle blow. Police statements of Rohan and Satish show that present Applicant caught hold Sangita and Sanjay gave sickle blow. However, their statement before the learned Magistrate clearly show that they have not attributed any overtact to the present Applicant. Thus, presently there are two versions in the investigation papers about the role of the Applicant. That leads me to pass the following order :-

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant - RAVINDRA S/O VISHNU RAGADE shall be released on regular bail on he executing P.R. Bond of Rs. 25,000/- [Rs. Twenty Five Thousand.] with one solvent surety in the like amount, in connection with CR No. 158/2014 registered with Police Station, Nandurbar (City), Taluka & District - Nandurbar for the offences punishable under Section/s 302 read with 34 of the Indian Penal Code and under Section 4 read with Section 25 of Arms Act, 1959.
- (iii) Bail before trial court.
- (iv) Applicant shall attend Police Station, Nandurbar (City), Taluka & District - Nandurbar twice in a week, preferably on every Saturday and Tuesday and shall remain in the said Police Station between 3.00 p.m. to 5.00 p.m., till trial is over.
- (v) The Applicant shall not tamper with the prosecution witnesses.
- (vi) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)