

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2597 OF 2015

Manoj @ Rahul s/o Sunil Sapkale

.... **APPLICANT**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. K.B.Jadhav, Advocate for Applicant.

Mrs. Pratibha Bharad, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 10th JUNE, 2015

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PER COURT :

1. This is an application u/s 439 of the Code of Criminal Procedure. The applicant is behind bars in connection with Crime No. 22/2015 registered with police station Faizpur, Dist. Jalgaon for the offences punishable u/s 307,326,143,147,148,149,337,323,504,506 of the Indian Penal Code and u/s 37 (1) (3) read with 135 of the Bombay Police Act.

2. Heard Mr. K.B.Jadhav, learned counsel for the applicant and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Bhagwat Patil, who is father of injured Dinesh. Admittedly, first informant is not eye witness. In that view of the matter, statement made in the F.I.R. that first informant's son Dinesh was assaulted by the present applicant, loses its importance. During the course of investigation, Investigating Officer has recorded the statement of injured Dinesh firstly on 28/03/2015 and his supplementary statement is recorded on 09/05/2015. From the statement dated 28/03/2015, it appears that he has attributed role corresponding to the grievous injuries, which he has received to Sagar Tayade and Akash @ (RN). In the supplementary statement dated 09/05/2015, he has attributed role to the said injury to Pravin Tayade and Akash. No doubt true, the injured has attributed the presence of the present applicant and also attributed the allegations which are most general in nature. However, looking to the fact that the injury which he has suffered is attributable to the other accused persons, further custodial presence of the applicant is not necessary. That leads me to pass the following order.

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Manoj @ Rahul s/o Sunil Sapkale be released on bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount in connection with Crime No. 22/2015 registered with police station Faizpur, Dist. Jalgaon for the offences punishable u/s 307,326,143,147,148,149,337,

323,504,506 of the Indian Penal Code and u/s 37 (1) (3) read with 135 of the Bombay Police Act. Bail before the trial Court.

(iii) Present applicant shall attend police station Faizpur once in a week preferably on Sunday between 3.00 – 5.00 p.m. till the Charge is framed by the Court concerned.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]