

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3496 OF 2015

[Mukesh s/o Shivaji Sonawane Vs The State of Maharashtra & anr.]

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

Court's or Judge's orders

Shri N.N.Desle, advocate for applicant
Shri A.S.Shinde, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 20th July, 2015

PER COURT :-

- 1] This is an application for anticipatory bail.
- 2] The applicant is apprehending his arrest, in connection with Crime No. 84 of 2015, for the offences punishable under Sections 307, 323, 504, 34, 141, 143, 147, 149, 120(B) of the Indian Penal Code, registered with Dhule City Police Station, District Dhule.
- 3] I have heard Shri N.N.Desle, learned counsel for applicant and Shri A.S.Shinde, learned Additional Public Prosecutor for the respondent/State.
- 4] The first information report is lodged by Vasant Gorakh Thorat, who is the brother of injured Manoj. Name of the present applicant is not taken in the first information report. The first informant has stated in the first information report that on 20.4.2015 at 9.30 in the night when he was proceeding towards his house, that time he noticed that his brother injured Manoj was attacked by Sunil Thakur, Devidas Thakur and Harshal More near Shitalnath provisions. Out of them, according to the first information report, Sunil was beating. Subsequently, with the help of police, friend Jitu

Mandhare, the injured was taken to the hospital.

5] Learned Additional Public Prosecutor has opposed the bail application on the ground that the name of the present applicant is appearing in the statement of injured Manoj Thakur. I have gone through the said statement. No doubt true that the name of the present applicant is appearing in the said statement, however, on closure scrutiny of the same, it is clear that Manoj was assaulted by Sunil Thakur with sharp edged weapon and also he was attacked by Devidas Thakur on his head by a wooden log. In so far as present applicant is concerned, the role attributed by Manoj is that he has given kick and fist blows. In that view of the matter, custodial presence of the applicant is not essential. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Mukesh s/o Shivaji Sonawane, in the event of his arrest, in connection with Crime No. 84 of 2015, for the offences punishable under Sections 307, 323, 504, 34, 141, 143, 147, 149, 120(B) of the Indian Penal Code, registered with Dhule City Police Station, District Dhule, be released on anticipatory bail on he executing P.R. bond of Rs.10,000/- with one solvent surety of like amount.
- (iii) Applicant-Mukesh s/o Shivaji Sonawane shall attend police station Dhule City twice a week, preferably on every Sunday and Tuesday in between 3.00 p.m. to 5.00 p.m. till charge sheet is filed.
- (iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3496.15