

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

Criminal Application [BA] No.109 of 2015

(Niraj Jawaharlal Bhargav vs. State of Maharashtra, through P.S.O. Morshi, District Amravati)

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

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Court's or Judge's Orders

Mr. A.A. Naik, Advocate for the Applicant.

Mr. P.V. Bhoyar, A.P.P. for the Non-Applicant/State.

CORAM : PRASANNA B. VARALE, J.

DATE : MARCH 19, 2015.

Heard.

The learned Counsel for the applicant submits that the report lodged at the instance of one Raisuddin Sheikh alleges that his Maruti vehicle was apprehended in the late hours of day on 24/01/2015 by some unknown person and then an assault was made over the inmates of the vehicle. It nowhere refers the name of the applicant.

The learned Counsel submits that even considering the reply filed by the State, which refers to the injuries caused by one Shahabuddin sustaining contusion over right forearm, Sheikh Quadir sustaining abrasion over lower limb and Chand Imam sustaining contusion over left shoulder, there is absolutely no case against the applicant attracting the alleged provisions of Indian Penal Code more particularly Section 307. The learned Counsel then submits that even on the

aspect of the alleged recovery, there is nothing to show that the applicant was carrying any sharp edged weapon. The allegations is, the applicant was armed with weapon like stick.

The learned A.P.P. opposes the application. He submits that the assault over the victim was a counter act and a call was given by one of the head of the organization. He submits that the applicant reached on the spot on that call.

Even considering the reply filed by the State and the submission of the learned A.P.P., what reveals is, only the presence of the applicant allegedly on a call of head of the organization. The material referred to in the reply filed by the State in respect of the injuries to the injured supports the submission of the learned Counsel for the applicant.

Considering all these aspects, in my opinion, the learned Counsel for the applicant has made out a case. The apprehension of the State can be taken care of by imposing conditions on the applicant.

In the result, the application is allowed. The applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) with one surety in the like amount on the following conditions.

- i. The applicant to attend Morshi Police Station, District Amravati on every second and forth Sunday of the month from 09:00 a.m. to 12:00 noon and maintain diary of his

attendance duly countersigned by the Police Station Officer or the Investigating Officer, till commencement of the trial.

- ii. The applicant shall not tamper with the evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.
- iii. The applicant to submit his residential address and contact numbers, such as phone/mobiles numbers, to the investigating agency or in case of change.
- iv. In case the applicant is moving out of the area of Morshi Police Station, he shall take permission and inform the concerned Police Station about his visit to other place.

In case of any breach of the conditions by the applicant, the State would be at liberty to move this Court.

Needless to say that these are the observations of the Court while deciding the present bail application and the learned Sessions Judge may not be influenced by these observations while conducting the trial.

The application is disposed of as such.

JUDGE

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