

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

CRIMINAL APPLICATION (BA) NO.62/2015

Arun Ramlal Pawar ..vs.. State of Maharashtra, through PSO PS Manora, Tq.
Manor, Dist. Washim

AND

CRIMINAL APPLICATION (BA) NO.203/2015

Dnyaneshwar Babusingh Rathod ..vs.. State of Maharashtra, through PSO PS
Manora, Tq. Manor, Dist. Washim

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

Court's or Judge's orders.

Mr. V. N. Patre, Advocate for applicant in
B.A.No.62/2015

Mr. S. D. Chande, Advocate for applicant in
B.A.203/2015

Mrs. K. N. Joshi, A.P.P. for non applicant-State.

CORAM : A.B. CHAUDHARI, J.

DATE : JUNE 16, 2015.

These are applications for grant of bail filed by two accused persons in Crime No.38/2014 registered with Police Station, Manora, Dist. Washim for an offence punishable under Sections 302, 307, 147, 148, 149, 120-B of the IPC and 135 of the Bombay Police Act.

Learned counsel for the applicants submitted that the chargesheet has been filed in the present case and the investigation having thus been completed, the applicants deserve to be enlarged on

bail. They also invited my attention to the order dated 08.01.2014 in Criminal Application No.804/2014 in the case of Manohar Tulsiram Rathod and anr. ..vs.. State of Maharashtra, by which the applicant-Manohar and one more accused were released on bail by this Court. He then submitted that the impugned order passed by the learned trial Judge rejecting application for grant of bail is liable to be set aside and the applicant is liable to be released on bail since there is no evidence against the applicants except for the allegation of being members of the unlawful assembly.

Per contra, the learned A.P.P. opposed the applications for bail and submitted that there are number of eye witnesses including the ocular account of the informant Nirmala, wife of the deceased apart from blood stained clothes recovered from the accused persons.

I have seen the FIR as well as statements of other witnesses. The FIR, which was immediately lodged, itself clearly shows that the applicant Arun Ramlal Pawar had firmly caught the deceased and other accused persons assaulted the deceased with weapons they had brought. Applicant-Arun and Govardhan Rathod were also instigating others to continue to assault and accordingly the assailants

were assaulting the deceased. The applicant-Arun did not allow the deceased to get released from their hands.

So far as applicant-Dnyaneshwar Babusingh Rathod is concerned, he being a member of unlawful assembly, assaulted the deceased Mukesh and son of the complainant along with a wooden plank during the assault.

To my mind, therefore, prima facie evidence against the applicants is very strong. That being so and upon reading of the order in the case of Manohar..vs..State of Maharashtra, I do not think that a case for grant of bail is made out. The applicants will have to be in jail pending the trial. Hence, I pass the following order.

ORDER

(i) Criminal Application Nos. 62/2015 and 203/2015 are rejected.

JUDGE