

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

Criminal Application (BA) No. 523 of 2015

(Chetan S/o Digambar Tirpude Vs. State of Maharashtra through PSO, Ajani,
Nagpur)

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

Court's or Judge's order

Shri O. S. Masurke, Advocate for applicant
Shri M. J. Khan, APP for the State/non-applicant

CORAM : P. B. VARALE, J.

DATE : 10-8-2015.

Heard Shri Masurke, learned counsel for the applicant.

The applicant is before this Court seeking his enlargement on bail in connection with Crime No. 209/2015 registered at Ajani Police Station, Nagpur for the offences punishable under Sections 307, 143, 147, 148, 149 and 506 of the Indian Penal Code.

The report was lodged at the instance of one Akhil Wandhare on 3-7-2015 by submitting that there was quarrel between one Shubham and the complainant, his friend Lokesh and his cousin Ajay Lilhare. Shubham on account of that quarrel left the place by giving threats. On the very day in the late hours of the day, Shubham reached near a place in front of one Ramteke Hospital along with the applicant and other accused. Accused persons assaulted the complainant Akhil, Vishal and Ajay. The allegation is Shubham was armed with sword and gave a blow on the head of Ajay. The allegation

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against the present applicant is he gave kick blows and fist blows. The learned counsel for the applicant submits that assuming though not admitting the report and the other material reflect the story of assault by the applicant and the other accused. Only role attributed to the present applicant is giving fist blows and kick blows whereas the other accused have played major role who were armed with sword and bricks. Learned counsel for the applicant submits that the applicant is a young boy and is prosecuting his studies in B.Com course. Learned counsel for the applicant further submits that there are no allegations that the applicant used any weapon or the applicant was the person who had altercation or abused which took place prior to the applicant reaching on the spot. Shri Masurke submits that instead the applicant keeping behind the bars for indefinite period, if the applicant is enlarged on bail, the applicant would prosecute his studies and would face the trial.

Learned APP opposes the application. He submits that the material collected by the investigating agency show the presence and participation of the applicant.

Considering the material which reflects role attributed to the applicant of presence and giving kick blows and fist blows and considering the fact that the applicant is prosecuting his studies, in my opinion, the learned counsel for the applicant has made out the case. The apprehension of the State

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can be taken care of by imposing conditions on the applicant. In the result, criminal application is allowed.

The applicant be released on bail on furnishing P.R. bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount, on the following conditions.

a] The applicant to cooperate with the investigating agency and to attend the Police Station, Ajani, Nagpur on first and third Sunday of every month between 9.00 a.m. to 12.00 noon, till conclusion of the trial and as and when called by the investigating agency. The applicant to maintain diary of his attendance to Police Station duly countersigned by the Police Station Officer.

b] The applicant shall not tamper with the prosecution evidence nor commit any act such as contacting the prosecution witnesses or pressurize them.

c] The applicant to submit his residential address and his contact numbers such as phone/mobile numbers to the investigating agency.

In case of breach of these conditions, the prosecution agency to take necessary steps in accordance with the provisions of law.

JUDGE

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