

1

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

CRIMINAL APPLICATION (BA) NO.655 OF 2015

Vishal S/o Mohan Chauhan

..vs..

The State of Mah., thr PSO Pusad, District Yavatmal

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

Court's or Judge's order

Shri P.K. Bezalwar, Counsel for the Applicant.
Shri A.H. Laddad, APP for the State.

CORAM : V.M. DESHPANDE, J.

DATE : SEPTEMBER 21, 2015.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.85 of 2015 registered with Police Station Pusad (Rural), District Yavatmal for the offences punishable under Sections 307, 323, 143, 147, 149, and 506 of the Indian Penal Code.

Heard Shri P.K. Bezalwar, learned counsel for the applicant and Shri A.H. Laddad, learned APP for the non-applicant/State.

The FIR is lodged against the 12 persons. The name of the present applicant is appearing in the FIR. Three persons are injured viz. Anupam, Shobhraj and

.....2/-

2

Manohar. The injury certificate of Anupam shows that he has contusion over the left shoulder and there is a fracture on shoulder also and injury is grievous. Insofar as injury to Shobhraj is concerned, he is having one contusion on skull. However, the Doctor, who has examined, found that the said injury is not the grievous one, whereas the injury of Manohar shows that he has head injury in nature of depressed fracture and parietal bone and also the injury on the left forearm.

From the FIR and the other investigating papers, it shows that though the name of the present applicant is mentioned, the role attributed to him is general in nature along with other four accused. The applicant is arrested on 19.8.2015. Nothing was recovered at his behest when he was in the police custody. The injured are already discharged from the hospital. Thus, there is a little possibility of converting the offence into graver one.

Looking to the fact that the investigation vis-a-vis the present applicant is over, nothing is recovered at his behest and the accusations against the present applicant are general in nature, whereas the specific accusations are made against the co-accused to which the injury can be attributed. In my view, merely because the charge-sheet is not filed that cannot be a reason for not exercising

.....3/-

3

discretion in his favour.

In that view of the matter, this Court passes the following order :-

ORDER

1] The criminal application is allowed.

2] Applicant – Vishal S/o Mohan Chauhan be released on bail in connection with Crime No.85 of 2015 registered with Police Station Pusad (Rural), District Yavatmal for the offences punishable under Sections 307, 323, 143, 147, 149, and 506 of the Indian Penal Code on he executing Personal Bond of Rs.30,000/- (Rupees Thirty Thousand Only) with two sureties in the like amount.

3] The applicant shall attend the concerned Police Station once in a week, preferably every Wednesday in between 2.00 pm to 6.00 pm till culmination of the trial

The criminal application is disposed of as such.

JUDGE**!! BRW !!**

...../-