

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 677 of 2015
[Ritesh @ Nitya Deepak Tayde Vs. State of Mah.]

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

Court's or Judge's orders

Mr. Sheikh Sabahat Ullah, Adv., for the Applicant.
Ms. Udeshi, APP for respondent.

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CORAM : V.M. DESHPANDE, J.

DATE : 19th October, 2015.

By the present application, the applicant is seeking bail, since he is arrested in connection with Crime No. 60 of 2015 registered with Imambada Police Station, Nagpur, for the offences punishable under Sections 307, 326, 143, 147, 148, 149 and 504 of Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Bombay Police Act.

The First Information Report is lodged by Anil

Banjare. From the First Information Report, it is clear that the co-accused Mayur Fuley has given a stab blow by means of a dagger to one Ashish Hak. The Injury Certificate of Ashish Hak shows that he has received grievous injuries. The assailant of Ashish Hak is already released on bail by the Trial Court. Learned APP has stated that no steps are taken by the prosecution for cancellation of bail of Mayur Fuley.

The First Information Report further states that the other injured Shashank was assaulted by co-accused Chhotu Shahu. This Chhotu Shahu is also released on bail by the Trial Court.

In so far as the allegation against the present applicant is concerned, the First Information Report shows that the first informant was assaulted by the present applicant. The Injury Certificate of first informant shows that the two injuries suffered by him are simple in nature. The investigation is already over.

Looking to the nature of the injuries and the other accusations, it is crystal clear that prima facie the present applicant cannot be held responsible at least for the offence punishable under Section 307, Indian Penal Code. Though the charge-sheet is filed, the learned counsel for the applicant and the learned APP have stated that in the near future, there is no chance of the trial being taken up for consideration. Looking to the fact that there is a little possibility of the offence being

converted into graver one, continuance of the applicant in custody, in my view, is not necessary, merely because he has some criminal antecedents at his discredit. Considering the nature of the evidence collected against the present applicant and the nature of injuries to which his role can be attributed, this Court passes the following order:-

ORDER

- [a]** Criminal Application [BA] No. 677 of 2015 is allowed.
- [b]** The Applicant – Ritesh @ Nitya Deepak Tayde be released on bail on he executing a Personal Bond of Rs. 25,000/- [rupees twenty-five thousand only] with one solvent surety in the like amount in Crime No. 60 of 2015 registered with Imambada Police Station, Nagpur, for the offences punishable under Sections 307, 326, 143, 147, 148, 149 and 504 of Indian Penal Code, Section 4/25 of the Arms Act and Section 135 of the Bombay Police Act.
- [c]** Bail before Trial Court.
- [d]** The applicant shall attend the Police Station once in a month, i.e., on last Sunday of each month between 3.00 p.m., and 5.00 p.m. till

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culmination of trial.

With this application is allowed and disposed of.

Judge

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