

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

CRIMINAL APPLICATION (BA) NO. 709 OF 2015

(Mangesh Arjunrao Avsarmol Vs. The State of Maharashtra)

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

Court's or Judge's orders

CORAM : V. M. DESHPANDE, J.

DATED : 16th OCTOBER, 2015

Heard Mr. Ghurde, learned Counsel for the
applicant and Ms Udeshi, learned A.P.P. for the State.

The present application is filed under
Section 439 of Criminal Procedure Code for grant of
bail in connection with Crime No. 328/2014 registered
with police station, Frezarpura, Amravati for the
offence punishable under Sections 147, 148, 149, 302
of the Indian Penal Code.

The investigation is over and the charge-
sheet is filed. The first information report is lodged by
Arvind Manwar, the friend of deceased Manoj
Sureshsingh Chavan. The report is lodged on
24/12/2014. The occurrence is dated 23/12/2014.
The name of the present applicant is not taken in the
first information report. It is stated in the first
information report that the deceased was attacked by
Ashok Sardar and his 8-9 associates.

Learned Counsel for the applicant has particularly prayed bail on the ground of parity.

The name of the applicant crept in the prosecution case when the statement of Rohit Bobade, who was accompanied with the deceased, was recorded on 24/12/2014 itself. According to the said statement, the present applicant along with co-accused Kishor Sardar, Kapil Golhe, Ashok Sardar and Vinod Deshmukh first dragged the deceased. At that time, co-accused Golhe and the present applicant gave fist blows. Thereafter, according to the statement of Rohit, accused Ashok Sardar gave an iron rod blow due to which the deceased suffered injuries and he succumbed to the same. Thus, it is clear that the role attributed to the present applicant is that he had given fist blows, which cannot be held responsible for the death of deceased Barkat Chavan. In that view of the matter the application needs to be considered favourably. Hence, the order.

i) Applicant-Mangesh Arjunrao Avsarmol be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount in connection with

Crime No.328/2014 registered with police station Frezarpura, Amravati for the offence punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

ii) Bail before the trial Court.

iii) The applicant shall attend the police station once in a fortnight preferably on every 2nd and 4th Saturday between 2.00 p.m. and 5.00 p.m., till culmination of the trial.

iv) The application is accordingly allowed and disposed of.

JUDGE