

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

CRIMINAL APPLICATION (ABA) NO. 488 OF 2015

(Kailash Bhavshing Rathod & others 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

Shri P. K. Bezalwar, Advocate for the applicants.
Shri A. D. Sonak, A.P.P. for the State.

CORAM : V. M. DESHPANDE, J.

DATED : 15th OCTOBER, 2015

At the outset the learned Counsel for the applicants submits that he wish to withdraw the application filed on behalf of applicant No.3 Khushal Amarshing Rathod.

Prayer is accepted. The application filed on behalf of the applicant Khushal is hereby rejected as withdrawn.

Applicant Nos. 1, 2 and 4 are apprehending their arrest in connection with Crime No.85/2015 registered with police station Pusad (rural), District Yavatmal for the offence punishable under Sections 307, 323, 143, 147, 148, 149, 506 of the Indian Penal Code. The first information report is lodged on 02/6/2015. It was lodged by Manohar Jadhav.

With the assistance of learned Counsel for the

applicant and learned A.P.P. for the State, I have gone through the first information report. From the FIR, it is clear that serious role is attributed against co-accused Yashwant Hira Rathod, who had assaulted by means of axe on injured Mahendra and Shobhraj Jadhav. The statement of Shobhraj Rathod shows that he has specifically attributed the role against applicant No.4 Jitendra Chauhan. However, his statement reveals that applicant Jitendra Chauhan has given fist blow on his back. His statement is recorded on 11/8/2015. Insofar as the statement of injured Mahendra is concerned, it shows that the injury which he has suffered on his head, for that, he has stated that he was attacked by means of axe on his head by Yashwant Rathod. He has not attributed any specific role against applicant Nos. 1, 2 and 4.

In view of the aforesaid, the applicant Nos. 1, 2 and 4 have made out a case for anticipatory bail in their favour. Hence, the following order.:

I) The application is partly allowed.

II) The application of applicant No.3 Khushal Amarshing Rathod is hereby rejected as withdrawn.

III) Applicant Nos. (1) Kailash Bhavshing Rathod (2) Nandi Farida Chauhan and (4) Jitendra Narayan Chauhan be released on bail in the event of their arrest in connection with Crime No.85/2015 registered with police station Pusad (rural), District Yavatmal for the offence punishable under Sections 143, 147, 148, 323, 506, 307 of the Indian Penal Code on each of them executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount. That, each of the applicants shall attend police station, Pusad (rural) once in a week preferably on every Tuesday in between 3.00 p.m. to 5.00 p.m. till filing of the charge-sheet.

JUDGE