

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

CRIMINAL APPLICATION (ABA) NO.498 OF 2015

(Amol Bhimrao Kankal & another Vs. The State of Maharashtra, through P.S.O., Mehkar)

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 : 13th OCTOBER, 2015

Heard Shri B. N. Magar, learned Counsel for the applicants and Shri Laddhad, learned A.P.P. for the State.

By the present application the applicants are seeking relief of pre-arrest bail since they are apprehending their arrest in connection with Crime No. 118/2015 registered with police Station Mehkar, Distt. Buldhana for the offence punishable under Sections 307, 143, 147, 148, 149, 437, 447, 427, 506 read with Section 34 of the Indian Penal Code. There are two injured in the present prosecution case. They are; the first informant Indrajeet Saoji and his father Vinay Saoji. Insofar as present applicants are concerned, the role attributed to them is that they gave blow on thigh and back of Vinay Saoji by means of wire rope. Though Vinay Saoji suffered serious injuries on his head by means of an axe, that is not attributable to the present applicants. Further, first informant-Indrajeet Saoji was also assaulted. However, he was not assaulted by the present applicants but was assaulted by one Bhanudas, the co-accused.

Vinay Saoji is already discharged from the hospital.

The learned A.P.P. made me available the entire investigation papers from which it appears that investigation is over and only the formalities of charge-sheet is remained to be done. The statement of Indrajeet Saoji is lacking to the role that is attributed against the present applicants. It is clear that custodial presence of the applicants for the offence punishable under Section 307 IPC is not warranted, which led me to pass the following order.

The application is allowed.

Appellants, Amol Bhimrao Kankal and Mukul Bhimrao Kankal, be released on bail in the event of their arrest in Crime No. 118/2015 registered with police Station Mehkar for the offence punishable under Sections 307, 143, 147, 148, 149, 437, 447, 427, 506 read with Section 34 of the Indian Penal Code on their executing P.R. bond in the sum of Rs.25,000/- each with one solvent surety in the like amount.

Both the applicants shall attend police station, Mehkar once in a week preferably on every Sunday till the charge-sheet is filed. After filing of the charge-sheet, the applicants shall attend the police station once in a month till culmination of the trial. The application is accordingly allowed and disposed of.