

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

CRIMINAL APPLICATIN (BA) NO.767 OF 2015

Subhash Deorao Gadge

..vs..

State of Maharashtra, thr Police Station Officer, Police Station Karanja (Lad), District
Washim

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

Court's or Judge's Order

Shri A.V. Band, Counsel for the Applicant.

Mrs. S.S. Jachak, Addl. Public Prosecutor for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 23, 2015.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his enlargement on bail since the applicant is arrested on 12.2.2015 in connection with Crime No.3007 of 2015 registered with Police Station Karanja (Lad), District Washim, for the offences punishable under Sections 294, 323, and 506 of the Indian Penal Code read with Section 3(1)(x) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Heard Shri A.V. Band, learned counsel for the applicant and Mrs. S.S. Jachak, learned Additional Public Prosecutor for the non-applicant/State.

The investigation is over and the charge-sheet is already filed.

.....2/-

Learned counsel for the applicant submits that the applicant is arrested on 12.2.2015 and since then he is in jail.

The first informant is Ramrao Shamrao Dewale. He is auto-rickshaw driver. According to the F.I.R., on the day of incident i.e. 10.2.2015, the present applicant boarded the auto-rickshaw of the first informant and then enquired about his name, village, and caste also. Thereafter, the first informant demanded the amount of fare. The present applicant refused to pay the amount of fare and at that time he used abusive word in the name of caste of the first informant. The first informant has stated that he is not ready to go to the hospital since he was only pushed.

These are the only allegations made against the present applicant.

The bar under Section 18 of the Code of Criminal Procedure is not applicable to the regular bail.

Learned Additional Public Prosecutor for the non-applicant/State submits that the present applicant is having past criminal record at his credit.

However, merely because the present applicant is having past criminal record, does not disentitle him to seek for grant of regular bail, if he is otherwise entitled to claim.

Looking to the nature of evidence that is available against the present applicant in the present crime, in my view, the applicant has carved out a case in his favour for grant of regular bail. I see no reason that the applicant should continue his presence in the jail custody from 12.2.2015 especially when there is no possibility of the Sessions Trial of the present applicant would take up for consideration in near future. That leads me to pass the following order:-

ORDER

1] The criminal application is allowed.

2] Applicant – Subhash Deorao Gadge be released on bail in connection with Crime No.3007 of 2015 registered with Police Station Karanja (Lad), District Washim, for the offences punishable under Sections 294, 323, and 506 of the Indian Penal Code read with Section 3(1)(x) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 on his executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety in the like amount.

3] The applicant is prohibited from extending any threat whatsoever in the nature to the first informant.

4] Bail before the Trial Court.

The criminal application is disposed in aforesaid terms.

JUDGE

!! BRW !!

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