

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

CRIMINAL APPLICATION (BA) NO.787 OF 2015

Sonu @ Batacha S/o Dhannu Kasav

..vs..

**The State of Maharashtra, thr Police Station Officer, Police Station Ramdaspath, Akola,
Tahsil and District akola**

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

Court's or Judge's Order

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Shri M.P. Kariya, counsel for the applicant.
Shri A.K. Bangadkar, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : OCTOBER 28, 2015.

Heard.

By the present application under Section 439 of the Code of Criminal Procedure, the applicant is seeking his release on bail since the applicant is arrested in connection with Crime No.79 of 2015 registered with Police Station Ramdaspath, District Akola for the offences punishable under Sections 307 and 326 read with Section 34 of the Indian Penal Code.

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

The FIR is lodged, at the instance of Deepak

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Vishwanath Aponikar who is cousin of injured Sagar Fakira Aponikar, on 22.5.2015. Said Deepak is not an eyewitness.

The statement of injured Sagar was recorded when he was admitted to Ozon Hospital. His statement is dated 27.5.2015. His statement discloses that on 22.5.2015, when he had been to the house of his friend one Siddharth in respect of making an enquiry about the result of H.S.S.C. Examination, co-accused Sagar Jeevan Bundeale, Vicky Gausar, Sonu Kasav, and the present applicant came there. That time, according to the assertion made in the statement of injured Sagar, the present applicant caught hold the collar of injured Sagar whereas other co-accused Vicky caught hold his hands. That time co-accused Sagar gave a knife blow on the stomach of injured Sagar, as a result of which injured Sagar received injuries.

From the aforesaid, it is crystal clear that the present applicant cannot be held responsible for the injuries suffered by injured Sagar.

In view of the facts that the investigation is

over, charge-sheet is already filed and injured Sagar is already discharged from the hospital, in my view further custodial presence of the present applicant is not warranted. That lead me to pass the following order :

ORDER

1] The criminal application is allowed.

2] Applicant - Sonu @ Batacha S/o Dhannu Kasav be released on bail in connection with Crime No.79 of 2015 registered with Police Station Ramdaspath, District Akola for the offences punishable under Sections 307 and 326 read with Section 34 of the Indian Penal Code 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 shall attend the concerned police station twice a month and preferably on first and third Wednesday between 2:00 pm to 5:00 pm, till culmination of

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the trial.

4] The applicant is prohibited from extending any threat whatsoever in the nature either to the prosecution witnesses or the injured.

5] Bail before the Trial Court.

The criminal application, with these directions and observations, is allowed and disposed of.

JUDGE

!! BRW !!

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