

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

CRIMINAL APPLICATION (BA) NO.823/2015

(Rahul s/o Prashant Shende .vs.. The State of Maharashtra, through PSO P. S.
Sitabuldi, Nagpur, Tq. Dist.Nagpur)

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

Court's or Judge's orders.

Mr. Hussain, Advocate for applicant.
Mr. Jawade, A.P.P. for non applicant-State.

CORAM : A. B. CHAUDHARI, J.
DATE : DECEMBER 4, 2015.

Heard.

The applicant has been arrested in Crime No.283/2015 registered with Police Station, Sitabuldi, Nagpur for an offence punishable under Sections 324, 326 read with Section 34 of the IPC. The applicant was arrested on 31.08.2015 and is in jail since then.

Learned counsel for the applicant submits that the applicant Rahul had assaulted on his brother in law over some dispute. He has filed a copy of affidavit of the complainant, which shows that he wants to compromise the matter. Looking to the close relationship between the complainant and accused, he submits that the applicant should not be detained in jail any further since the ultimate result of the prosecution would be the acquittal of the accused.

Per contra, learned A.P.P. opposed the submissions made by the learned counsel for the applicant and prayed for rejection of the present application.

I have perused the FIR. The allegation in the FIR is that the assault is by three persons including the applicant by means of iron rod on the head of the complainant. The applicant is in jail since 31.08.2015 and his further detention is not necessary. However, since there is possibility of compounding of the offence registered against the applicant and since at the behest of the complainant and accused the criminal law was set in motion, I make the following order.

ORDER

- (i) Criminal Application No.823/2015 is allowed.
- (ii) Applicant-Rahul Prashant Shende be released on bail in Crime No.283/2015 registered with Police Station, Sitabuldi, Nagpur for an offence punishable under Sections 324, 326 read with Section 34 of the IPC, on he executing P.R. Bond in the sum of Rs.5,000/- with one surety in the like amount.
- (iii) The applicant undertakes to deposit a sum of Rs.10,000/- with the office of Commissioner of Police,

Nagpur as a condition precedent for grant of bail. The deposit shall be made within a period of four months from today, failing which the bail granted to the applicant shall stand cancelled.

JUDGE

kahale