

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

CRIMINAL APPLICATION (ABA) NO. 79 OF 2016

(AKASH ANIL PAWAR...VS..STATE OF MAH., THR. PSO, PS MANORA, DIST. WASHIM)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 29, 2016.

Heard Shri Avinash Gupta, Senior Advocate a/b.
Shri S.D. Yerawar, advocate for the applicant and Shri
T.A.Mirza, A.P.P. for the non-applicant.

The applicant is seeking pre-arrest bail in Crime
No.126 of 2015 registered by the non-applicant for the
offence punishable under Section 307 r/w 34 of the Indian
Penal Code.

The allegations against the applicant are that the
applicant along with Ramdhan Rathod tried to kill the
complainant Mukesh Chavhan by giving dash by car. It is
alleged that complainant Mukesh Chavhan is witness in Crime
No.38/2014 registered with Police Station, Manora against
the applicant and other accused for the offences punishable
under Sections 147, 148, 307, 302 r/w 149, 120-B of the
Indian Penal Code.

Shri Avinash Gupta, learned Senior Advocate has
pointed out that there is enmity between the applicant and
complainant Mukesh Chavhan. It is submitted that when the
co-accused in Crime No.38 of 2014-Deelip Rathod and
Sadashiv Jadhav were released on bail Smt. Nirmaladevi
Chavhan (mother of the complainant Mukesh Chavhan) had

filed Criminal Application No.77 of 2014 before this Court seeking cancellation of bail granted to Deelip Rathod and Sadashiv Jadhav. It is pointed out that this Court by order dated 24th June, 2015 passed in Criminal Application No.77 of 2014 rejected the prayer made by Nirmaladevi Chavhan and refused to cancel the bail granted to Deelip Rathod and Sadashiv Jadhav.

The learned Senior Advocate has pointed out the communication issued by the Superintendent of Prisons, Washim in September, 2015, which shows that at the time of alleged incident for which First Information Report has been registered against the applicant, Ramdhan Rathod was present at the District Prison, Washim. It is argued that the documentary evidence belies the claim of the complainant.

Considering the facts of the case, the nature of the allegations and that the non-applicant has not been able to show that the custody of the applicant is required for further investigation, the applicant is entitled for pre-arrest bail.

Hence, the following order :

In the event of arrest in Crime No. 126 of 2015, registered by the non-applicant, the applicant shall be released on bail on furnishing P.R. Bond for Rs.Ten Thousand and one solvent surety in the like amount.

The application is allowed in the above terms.

JUDGE