

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

CRIMINAL APPLICATION (ABA) NO. 317 OF 2016

(Sachin Anandrao Aaglawe Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri A. A. Naik, Advocate for the applicant.
Shri S. D. Shirpurkar, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 27 JULY, 2016

Heard.

This application has been strongly opposed by the learned A.P.P. for the State on the ground that this applicant is one of the bouncers engaged by the Finance Company and is given to the habit of taking law in his own hand.

Learned Counsel for the applicant submits that basically the offences registered against this applicant are bailable ones except the offence punishable under Section 397 of the Indian Penal Code and also an offence punishable under Section 324 I.P.C. He submits that since no weapons or any instruments were seized, offence punishable under Section 324 I.P.C. would not be attracted. He also submitted that there is nothing material available on record which show that the

complainant had sustained grievous injuries. He further submits that in the F.I.R., there is no mention about stealing out the amount of Rs.10,000/- by the attackers.

On going through the F.I.R. as well as case diary, I find substance in the argument of the learned Counsel for the applicant and no merits in the argument of the learned A.P.P. for the State. There is no reference of forcibly taking away the amount of Rs.10,000 /- by the attackers on 27/2/2016. There is statement recorded about a day later in which the complainant states that the amount of Rs.10,000/- kept in his wallet was found to be missing by him when his wallet was removed from the full-pant pocket by the police in the hospital. He does not state as to when such discovery was made. It is not the case of the prosecution that the complainant was lying in unconscious state so as to be not aware what might have been done to his wallet. Then, the medical report does not show that the complainant had sustained any grievous injury. Admittedly, no weapon or instrument has been used in the alleged attack made upon the complainant. Therefore, Section 324 I.P.C. cannot be attracted. In these circumstances, I am of the view that the applicant would be entitled to be released on anticipatory bail.

Hence, the order.

The application is allowed and the anticipatory bail granted to the applicant by this Court on 13/5/2016 is hereby confirmed on the conditions; that, (1) the applicant shall attend police station, Ner (Parsopant), Distt. Yavatmal every day for a period of one week between 11.00 a.m. and 1.00 p.m. starting from 29/7/2016, (2) he shall cooperate with the police in the investigation and in particular, to make himself available for holding of identification parade on the day and time fixed by the police, if any, (3) he shall not tamper with the prosecution witnesses, and (4) he shall also attend the police station on such other date/s and time as may be required by the investigating officer.

The applicant is permitted to withdraw the amount of Rs.50,000/- deposited by him with the Registry of this Court.

The application is disposed of accordingly.

JUDGE

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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