

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

CRIMINAL APPLICATION (BA) NO.990 OF 2016

Raju @ Rajesh s/o Sudhakar Pawar, Shivaji Ward, Pusad, Dist. Yavatmal

-vs-

The State of Maharashtra, Thr. PSO, Pusad City, Dist. Yavatmal

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

Court's or Judge's Orders.

Shri S. A. Choudhari, Advocate for applicant.
Shri S. J. Kadu, Addl. PP for non-applicant/State.

CORAM : P. N. DESHMUKH, J.

DATE : December 14, 2016

Heard.

Learned counsel for applicant had submitted that no case is made out against the applicant to establish offence punishable under Sections 307, 323, 324 and 34 of IPC as even if the case of prosecution is accepted as it is, only role attributed to applicant is of his giving kick blows to Vishal, the injured. It is also contended that according to the statement of injured Vishal, name of one Bajrang is stated while name of applicant is Raju @ Rajesh Pawar. It is therefore contended that application may be allowed.

In the background of statement as aforesaid and on perusal of report lodged by complainant Akshay, it is found that incident took place on 13/10/2016 in the night wherein his uncle Vishal came to be assaulted by co-accused Sachin Haral and Kumar Wankhede by knife which was found to be possessed by Sachin. Admittedly there is no involvement of applicant stated in the report.

Learned Addl. Public Prosecutor submitted that involvement

of applicant is established from the statement of injured Vishal.

On perusal of statement, it is material to note that same is recorded on 21/10/2016 that is almost more than eight days after the incident and the role attributed to applicant is only of his assaulting the injured Vishal by kick blows.

On a specific query to learned Addl. Public Prosecutor, it is submitted that except above stated statement, no involvement of applicant is found from any other statements on record.

In view of facts as aforesaid, application is liable to be allowed. Though investigation is in progress, as applicant is behind the bar since 26/10/2016 and his custodial interrogation is no more found to be required, following order is passed :

Applicant be released on bail on his executing P.R. Bond in the sum of Rs.25,000/- with one surety in the like amount.

Applicant shall mark his presence with Investigating Officer, if called, till filing of charge-sheet.

Applicant shall mark his presence with Police Station Pusad, Dist. Yavatmal quarterly on the first date of such month pending the trial.

Applicant shall produce proof of his address with the Investigating Officer and update the same in the event of change in future.

Application stands disposed of in aforesaid terms.

JUDGE