

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 01351 of 2017

District : Jalgaon

Dipak s/o. Ashok Wagh,
Age : 41 years,
Occupation : Labour,
R/o. Mehunbare,
Taluka Chalisgaon,
District Jalgaon.

.. Applicant.

versus

The State of Maharashtra,
Through Police Inspector,
Mehunbare Police Station,
Taluka Chalisgaon,
District Jalgaon.

.. Non-applicant.

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Mr. A.N. Nagargoje, Advocate, for the applicant.

*Mr. R.V. Dasalkar, Addl. Public Prosecutor, for
the non-applicant.*

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CORAM : T.V. NALWADE, J.

DATE : 27TH MARCH 2017

ORAL ORDER :

By the present application, the applicant seeks his release on bail in connection with Crime No. 41/2016, registered with Mehunbare Police Station, District Jalgaon, for offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 of Indian Penal Code; Section 3/25 of the Indian Arms

Act and Section 135 of the Mumbai Police Act.

02. Charge-sheet is filed against the present applicant and others for the aforesaid offences. Allegations are made against the applicants and others, that on 18.06.2016, when the complainant and his maternal uncle Sk. Nisar Sk. Gani were proceeding on motorcycle from Mehunbare to Chalisgaon, present applicant and other assaulted the complainant by using weapon like sword and present applicant used fighter when he gave blow on the face of the complainant. Due to blow, the complainant suffered fracture on the lateral wall of orbit. There is direct evidence against the applicant.

03. It appears that initially pre-arrest bail was granted in favour of the applicant. But this Court cancelled the pre-arrest bail granted to the applicant. As a consequence, the applicant surrendered before Police on 28.02.2017 and since then, he is behind the bars. It appears that other accused are already granted bail by the Sessions Court. As the applicant is behind the bars for about one month, this Court holds that it is not desirable to detain him till conclusion of the trial.

04. In the result, the Application is allowed.

The applicant, in the above crime, is directed to released on bail on his executing P.B. & S.B. of Rs. 25,000/- (Rupees twenty five thousand), on the

following conditions :-

(i) The applicant shall not contact any of the prosecution witnesses and he shall not tamper with the prosecution evidence in any manner, whatsoever.

(ii) The applicant shall provide his address of residence and contact number to the concerned Police Station.

(iii) The applicant shall not indulge in commission of similar offences in future.

(iv) The applicant shall attend the trial regularly on the dates fixed by the trial Court.

(T.V. Nalawade)
JUDGE

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