

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

CRIMINAL APPLICATION (BA) NO.55 OF 2017

Akash s/o Mahadev Gadve

..VS..

State of Maharashtra, through P.S.O. Kanhan, District Nagpur

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

Court's or Judge's Order

Shri Naved Rizwy, Counsel for the applicant.
Shri C.A. Lokhande, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.

DATED : MARCH 20, 2017.

This application is filed for bail by accused involved in Crime No.85 of 2016 registered for the offences punishable under Sections 307, 324 read with Section 34 of the Indian Penal Code and Sections 3 and 25 of the Indian Arms Act.

Heard learned counsel for the applicant and learned Additional Public Prosecutor.

Learned counsel for the applicant submits that co-accused Milind Kale is released on bail by this Court and case of applicant is on better footing as even no name of applicant is mentioned in the report who is stated to be an unknown person along with co-accused Dada Mule and Milind Kale. It is, therefore, submitted that since Milind is found entitled for bail, applicant is

on better footing and is entitled for bail.

Learned Additional Public Prosecutor has opposed the application as per its reply on record, however has not disputed that involvement of applicant is as an unknown accused mentioned in the report.

Perusal of report reveals that no overt act is attributed to applicant who is referred as one unknown person while co-accused Dada Mule appears to have attempted to strike complainant by chair and thereafter by holding complainant's hair fired with a gun shot, which however did not strike him. Injury report reveals that complainant has sustained only one contusion. As such, it is noted that there is no injury sustained by complainant by knife. In that view of the matter, contents of report of co-accused Milind along with one unknown person attempting to assault by knife do not find corroboration.

In view of facts as aforesaid and since investigation is complete, application is liable to be allowed as per order below:

The applicant shall be released on bail on his executing a P.R. Bond in the sum of Rs.20,000/- with one surety in like amount. He shall mark attendance with Police Station, Kanhan on first day of every three months pending trial. He shall furnish proof of his residential address to Police Station, Kanhan and shall

update the same in the event of any change therein.

The criminal application is accordingly
allowed.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 21/3/2017

...../-