

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

**Criminal Application (BA) No. 100 of 2017**

Sh. Raju v. The State of Maharashtra

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

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Shri A. T. Purohit, Advocate for applicant  
Shri A. M. Kadukar, APP for respondent  
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**Coram : S. B. Shukre, J**

**Dated : April 21, 2017**

Heard.

Though this application has been opposed by learned Additional Public Prosecutor for respondent-State, I do not think that the opposition, having considered the factors which weighed with the learned Sessions Judge while granting bail to the co-accused similarly situated, would hold any water. It is seen from the reason recorded by learned Sessions Judge while granting bail to the co-accused that the case of this applicant can be distinguished from the case that has been tried to be made out against the co-accused. If the co-accused took active part in launching assault on the complainant and his friend, this applicant was also there amongst the co-accused. Witnesses are stating that the weapons like knives, dragger, sticks etc. were used, but they are changing their stand. The injuries suffered by the complainant in this attack were simple, one wonders, if such simple injuries could be suffered when the dangerous weapons like dragger, knives etc. were alleged to have been used in the assault. At any rate, the case of the applicant cannot be distinguished from the co-accused.

Learned Additional Public Prosecutor submits that there is criminal record of this applicant. Co-accused too admittedly has criminal record. Here also, this applicant stands on the same footing. The charge-sheet has already been filed and there is no question of requiring custody of the applicant by the investigating agency. Hence, I am of the view that this application deserves to be allowed.

Application is allowed and it is directed that the applicant be released on bail in Crime No. 869/2016 registered with Police Station, Chandrapur for the offences punishable under Sections 143, 147, 148, 149, 448, 324, 307 and 506 of the Indian Penal Code on his furnishing PR Bond of Rs. 30,000/- together with one solvent surety in the like amount, on the following conditions :

- (i) Applicant shall regularly attend the trial Court on all dates of hearing.
- (ii) Applicant shall cooperate with the trial Court in expeditious disposal of the trial.
- (iii) Applicant shall not tamper with prosecution evidence in any manner.

Application stands disposed of. Hamdast.

**JUDGE**

*joshi*