

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

CRIMINAL APPLICATION (ABA) NO.564 OF 2017

(Shubham S/o Rajesh Kuril..vs..State of Maharashtra through PSO.PS.Gondia City,District-Gondia)

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

Court's or Judge's orders.

Shri N.R.Tekade, Advocate for applicant.
Shri M.J.Khan, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 18, 2017

This is an application under Section 438 of Code of Criminal Procedure for grant of anticipatory bail.

The applicant is apprehending his arrest in connection with Crime No.255/2017, registered with P.S.Gondia City, Gondia, for the offence punishable under Sections 147,148,149,307,323,506 of the Indian Penal Code.

Heard learned advocate for applicant and learned A.P.P. for the State-non-applicant, also perused the investigation papers produced before this Court by learned A.P.P. So also, reply filed on behalf of the prosecution.

The offence is registered in view of oral complaint lodged by Rahul Raju Dahat on 13/5/2017. As per the first information report when complainant was present in the house that time 3-4 persons gathered in front of his house and gave a call to his younger brother Rajat Raju Dahat. Thereafter they started assaulting his brother Rajat when he stepped out the house. The main allegations in so far as giving knife blow are against one Asif Saddam Roshan Khan. No specific role is attributed in the F.I.R. against the present

applicant.

The learned A.P.P. invited my attention to the statement of the injured Rajat which was recorded on 16/7/2017. The perusal of the said statement also shows that role attributed against the present applicant is that he has given kicks and fist blows. Though chargesheet is not filed the investigation papers reveal that near about entire investigation is over. In view of the same and looking to the role attributed to the present applicant, in my view the custodial presence of applicant is not warranted. Hence, the order.

ORDER

- I) The application is allowed.
- II) In the event of arrest of applicant Shubham S/o Rajesh Kuril in Crime No.255/2017, registered with P.S.Gondia City,Gondia, for the offence punishable under Sections 147,148,149,307,323,506 of the Indian Penal Code, he shall be released on bail on he executing P.R. of Rs. 20000/- with one solvent surety in the like amount.
- III) The applicant shall attend P.S.Gondia City,Gondia twice a week i.e. Wednesday and Saturday in between 3.00 p.m. to 5.00 p.m. till filing of the chargesheet.
- IV) After filing of the chargesheet the applicant shall attend P.S.Gondia City,Gondia once in month i.e. last Sunday of every month till culmination of the

trial.

- V) The applicant shall not indulge in any way to cause the prejudice to the prosecution case.

JUDGE

kitey