

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

CRIMINAL APPLICATION (BA) NO.759 OF 2017

Satish s/o Namdeo Kumbhare

..vs..

The State of Maharashtra, thr. PSO, PS Panchpaoli, District Nagpur

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

Court's or Judge's Order

Shri C.R. Thakur, Counsel for the applicant.
Shri U.P. Dable, Counsel to the assist the prosecution.
Shri J.Y. Gurdey, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 29, 2017.

Heard learned counsel Shri C.R. Thakur for the
applicant, learned counsel Shri U.P. Dable for the mother of the
deceased, and learned Additional Public Prosecutor Shri J.Y.
Gurdey for the State.

The applicant is arrested on 10.1.2017 in
connection with Crime No.20 of 2017 registered with the
Pachpaoli Police Station, District Nagpur for the offences
punishable under Sections 307, 143, 147, 149, and 109 of the
Indian Penal Code and under Section 135 of the Maharashtra
Police Act.

The investigation is over and the charge-sheet is
already filed before the Court of law.

Deceased is one Gaurao. The date of incident is

.....2/-

5.1.2017. The first information report is lodged on very same day by Rohit Wankhede, friend of deceased. There are in all seven accused persons. The present applicant is accused No.7. One of accused Bhagwan is released by the Court below.

According to the prosecution, the present applicant used beer bottle to make the assault on Abhishek, the injured and also he gave fist and kick blows on the person of deceased Gaurao. Statement of Abhishek is recorded. His statement clearly shows that he has not attributed to the applicant any role by which it could be said that the applicant has used the weapon knife either to assault on deceased.

Though Abhishek claimed that he was attacked by beer bottle, injury certificate, which is available with learned Additional Public Prosecutor, does not show any injury which can be attributed to the beer bottle. Further, even from the postmortem report stabbed wounds are noticed on the vital part of deceased. According to the autopsy surgeon, cause of death is stab injuries.

The investigation is over. Nothing is recovered at the behest of the present applicant since according to the prosecution the applicant has destroyed the beer bottle which was used in the commission of offence.

Learned counsel Shri U.P. Dable has invited my attention to the N.C. Report filed by the mother of the deceased

by which he pointed out that the mother received threats from the relatives of the accused persons. To a query which was put to him as to whether any of the relatives of the present applicant has extended any threat, the answer of learned counsel Shri Dable was in negative.

Looking to the role that is attributed to the present applicant and the fact that the investigation is over and the charge-sheet is filed, in my view, further custodial presence of the applicant is not required. However, at the same time the interest of the prosecution can also be secured by imposing the stringent conditions. Hence, I pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Satish s/o Namdeo Kumbhare be released on bail on his executing a P.R. Bond of Rs.50,000/- with two solvent sureties of the like amount in connection with Crime No.20 of 2017 registered with the Pachpaoli Police Station, District Nagpur for the offences punishable under Sections 307, 143, 147, 149, and 109 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

iii) At the time of execution of the bail bond, the applicant is directed to furnish address wherein the applicant shall be putting himself and also furnish the said residential address to the investigating officer.

iv) At the time of release of the applicant on bail, the Trial Court shall impose a condition on present applicant that he shall visit the police station which will be in proximity of his residence.

v) The applicant shall be attending the police station twice in a week and shall be with investigating officer from 11:00 a.m. to 5:00 p.m., till culmination of the Trial.

vi) The applicant will be entitled only to enter the jurisdiction of the Nagpur district for attending the dates of the Sessions Trial. As soon as the date is over, on very same day the applicant shall remove himself from the territorial jurisdiction of the Nagpur district.

vii) The applicant shall not extend any threat to

the mother of the deceased either directly or indirectly. If it is noticed that he has extended any threat to the mother of the deceased, it will be open for the investigating officer to move to this Court for cancellation of the bail.

viii) With this, the criminal application is allowed and disposed of.

JUDGE

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