

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

CRIMINAL APPLICATION (BA) NO.772/2017

Dhiraj s/o Prakash Gajbhiye ..vs.. State of Maharashtra thr. PSO P.S. Ajni
Tq. Dist. Nagpur

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

Court's or Judge's orders.

Mr. A. C. Jaltare, Advocate for applicant.
Mrs. K. R. Deshpande, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 31, 2017

Heard Mr. A.C. Jaltare, Advocate for applicant
and Mrs. K. R. Deshpande, A.P.P. for non applicant.

This is an application for grant of bail. The
applicant is arrested in connection with Crime
No.218/2017 registered with Police Station, Ajni, Tq.
Dist. Nagpur, for an offence punishable under Sections
302, 307, 452, 324, 323, 504 and 506 of the Indian
Penal Code.

The application is opposed by the learned
A.P.P. on the ground that the charge-sheet is not filed.
However, learned A.P.P. fairly states on instructions from
the investigating officer that the investigation is over and
only the formality of filing the charge-sheet is remained
to be done.

The date of occurrence is 07.07.2017. The
FIR is lodged by one Shital Rakesh Dable. She stated in

her report dated 07.07.2017 that on 06.07.2017 at about 11.50 in the night, the present applicant came to her house and demanded money which was taken by way of loan from him by the brother in law of the first informant, Dhananjay. The present applicant gave a kick blow on the person of Tulshiram thereby he suffered the injuries. An offence was registered under Section 323, 324, 504 and 452 of the Indian Penal Code. The applicant was arrested on 07.07.2017 however he was released on bail. Thereafter on 17.07.2017, Tulshiram died and therefore an offence punishable under Section 302 of the IPC was added in the Crime. The applicant was arrested on 18.07.2017. He is in jail since 18.07.2017.

Perusal of the present case, prima facie, shows that there is no intention on the part of the present applicant to commit murder of the deceased. Further, prima facie, this Court is of the view that the offence may be scaled down to the lesser one. Further, since the entire investigation is already over, custodial presence of the present applicant is not necessary. Hence, following order is passed.

ORDER

- (i) Criminal Application No.772/2017 is allowed.
- (ii) Applicant-Dhiraj s/o Prakash Gajbhiye be released on bail in connection with Crime No.218/2017, registered with Police Station, Ajni, Tq. Dist. Nagpur, for an offence punishable under Sections 302, 307, 452,

324, 323, 504, and 506 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall not extend any sort of threats to the prosecution witnesses.

JUDGE

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