

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

CRIMINAL APPLICATION (BA) NO. 776 OF 2017

(Manoj S/o Maroti Gaikwad..vs..State of Maharashtra, through
PSO.PS.Pathari,Tahsil Saoli,District-Chandrapur).

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

Court's or Judge's orders.

Shri S.A.Dhawas, Advocate for applicant.

Shri Indranil Damle , A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 21, 2017

This is an application under Section 439 of Code of Criminal Procedure for grant of bail since the applicant is arrested in connection with Crime No.112/2017, registered with P.S.Pathari,Tahsil Saoli,District-Chandrapur for the offence punishable under Section 307 r/w Section 34 of the Indian Penal Code.

The F.I.R. Is lodged by Pravin Uddhav Gaikwad , the injured who has suffered injuries on the vital parts of his body. The learned A.P.P. vehemently opposed the application on the ground that the investigation is in progress and chargesheet is yet to be filed. He has made available entire cases papers to this Court. With the assistance of learned A.P.P. I have gone through the investigation papers. The investigation papers show that entire investigation is almost over and only formalities of filing of the chargesheet is remained to be done.

The report, statement of the injured Pravin so also the police statements of eye witnesses show the role played by the present applicant. Neither the injured nor any of the eye

witnesses attributed the role of actual assault by means of weapon on the vital part of the body of the injured. In chorus they state the role of the applicant to the effect that the injured was pushed away by the present applicant . Further the injured is already discharged from the hospital. Thus, there is no possibility to converting this particular offence to more grievous one. Looking to the nature of the role played by the present applicant and in view of the fact that investigation is almost over, in my view, further custody of the applicant is not necessary. Hence the order.

ORDER

- I) The application is allowed.
- II) Applicant Manoj S/o Maroti Gaikwad be released on bail in Crime No.112/2017, registered with P.S.Pathari,Tahsil Saoli,District-Chandrapur for the offence punishable under Section 307 r/w Section 34 of the Indian Penal Code on he executing P.B. of Rs. 25000/- with two solvent sureties in the like amount .
- III) The applicant shall attend P.S.Pathari,Tahsil Saoli,District-Chandrapur twice a week i.e. every Monday and Saturday in between 3.00 p.m. to 5.00 p.m. till culmination of the trial.
- IV) With this the application is disposed of.

JUDGE