

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

CRIMINAL APPLICATION (BA) NO. 781 OF 2017

(Nishant Dindayal Ramteke..vs..State of Maharashtra, through PSO.PS.Wani,District-Yavatmal)

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

Court's or Judge's orders.

Shri M.N.Ali, Advocate for applicant.

Shri T.A.Mirza, A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J.

DATED : AUGUST 31, 2017

Heard learned counsel for applicant and learned
A.P.P.for State.

2] This is an application for bail. The applicant is arrested in connection with Crime No.677/2017, registered with P.S.Wani, District-Yavatmal,for the offence punishable under Sections 307,326,506,504,34 of the Indian Penal Code, Section 4/25 of the Arms Act and Section 65(A)(E) of Maharashtra Prohibition Act.

3] The F.I.R. is lodged by Smt.Sarita Potulwar, the mother of injured Vicky Potulwar about the occurrence dated 21/6/2017. The application for bail is primarily opposed by learned A.P.P. on the ground that the investigation is in progress and if the applicant at this stage is released on bail there is a possibility that he may tamper with the prosecution case.

4] After hearing learned A.P.P. so also having gone through the reply filed on behalf of the investigating agency and after having perused the entire investigation papers prima facie, it appears that the entire investigation is over and only chargesheet is remained to be filed.

5] The investigating papers which includes statement of the various witnesses so also the gist of these witnesses which has been mentioned by learned A.P.P. in reply at paragraph no.6 that the role attributed against the present applicant is that he caught hold injured. None of the witnesses or even the injured has attributed role of actual assault by means of dangerous weapon knife at the hands of the present applicant.

6] The applicant is in jail since 21/6/2017. Looking to the role played by the present applicant and the fact that investigation is almost on the verge of the completion and nothing was seized and recovered at the behest of the applicant when he was under police custody remand in my view, the discretion can be exercised in favour of the applicant. At the same time, condition can be imposed upon the applicant to protect the interest of the prosecution. That leads me to pass the order.

ORDER

- I) The application is allowed.
- II) Applicant Nishant Dindayal Ramteke be released on bail in connection with Crime No.677/2017, registered with P.S.Wani,District-Yavatmal, for the offence punishable under Sections 307,326,506,504,34 of the Indian Penal Code, Section 4/25 of the Arms Act, and Section 65(A)(E) of Maharashtra Prohibition Act, on he executing P.R. of Rs.25,000/- with two solvent sureties in the like amount.
- III) The applicant shall attend P.S.Wani,District-Yavatmal twice a week i.e. on Sunday and Thursday between 3.00 p.m. to 5.00 p.m. till the chargesheet is filed.

- IV) After the chargesheet is presented by the investigating officer before the Court the applicant shall attend P.S.Wani,District-Yavatmalnce in a month i.e. every 15th of each month between 3.00 p.m. to 5.00 p.m. till culmination of the trial.
- V) The applicant shall not extend threats of any type to any of the prosecution witness.
- VI) The application is disposed of.

JUDGE

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