

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

CRIMINAL APPLICATION (BA) NO.805 OF 2017

Prakash s/o Kashinath Madavi

..vs..

State of Mah., thr. PSO Lathi, Tahsil Gondpipri, District Chandrapur

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

Court's or Judge's Order

Shri A.P. Satpute, Counsel for the applicant.
Mrs. K.R. Deshpande, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 28 , 2017.

Heard learned counsel Shri A.P. Satpute for the
applicant and learned Additional Public Prosecutor Mrs. K.R.
Deshpande for the State.

Though this application for bail is coming for the
first time, at the time of hearing itself learned Additional Public
Prosecutor Mrs. K.R. Deshpande filed the reply, which is taken
on record. The promptness, on the part of the Office of the
Public Prosecutor, is appreciated.

This is an application under Section 439 of the
Code of Criminal Procedure, 1973 for grant of bail.

The applicant is arrested on 25.6.2017 in
connection with Crime No.87 of 2017 registered with Police
Station Lathi, Tahsil Gondpipri, District Chandrapur for the

offences punishable under Sections 307 and 294(b) read with Section 34 of the Indian Penal Code.

First informant is Ramchandra Vitthu Madavi, who is cousin of the present applicant.

As per the first information report, on the day of the incident that is on 24.6.2017 there was a verbal altercation in between first informant Ramchandra and his uncle Kashinath on account of monetary transaction. When first informant Ramchandra disclosed that right now he is unable to pay the amount to uncle, the uncle used abusive words and, thereafter, he brought an axe and gave an axe blow on head of first informant Ramchandra. According to the prosecution and according to the first information report, that time present applicant also assaulted on leg of first informant Ramchandra by means of wooden stick.

Learned Additional Public Prosecutor Mrs. K.R. Deshpande for the State fairly submits that the entire investigation is already over and in very near future the investigating officer is likely to file the final report.

Looking to the nature of the accusation made against the present applicant that he gave a stick blow on non-vital part of body of first informant Ramchandra and the said weapon is already seized by the prosecution and the prosecution is likely to file the final report in near future, in my

view, further custodial presence of the present applicant is not at all required. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Prakash s/o Kashinath Madavi be released on bail on his executing a P.R. Bond in the sum of Rs.10,000/- with two solvent sureties of the like amount in connection with Crime No.87 of 2017 registered with Police Station Lathi, Tahsil Gondpipri, District Chandrapur for the offences punishable under Sections 307 and 294(b) read with Section 34 of the Indian Penal Code.

iii) The applicant shall attend the police station once in a month that is on 18th of every month in between 3:00 p.m. and 5:00 p.m., till culmination of the Trial.

iv) With this, the criminal application is disposed of.

JUDGE

!! BRW !!

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