

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

CRIMINAL APPLICATION (BA) NO. 869 OF 2017

(Talesh Jairam Jadhav and another ..vs..State of Maharashtra, through
PSO.P.S.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 A.A.Dhawas Advocate for applicant.
Shri R.S.Nayak ,A.P.P. for State-non-applicant.

CORAM : V.M. DESHPANDE, J
DATED : SEPTEMBER 13,2017

Heard learned counsel for the applicants and
learned A.P.P.for the State.

This is an application for regular bail.

The applicants are 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.

According to learned counsel for applicants,
one co-accused by name Manoj Gaikwad is already
released on bail by this Court on 21/8/2017, even prior to
filing of the chargesheet. The order is placed on record
and it is at page no.161 of the compilation. The order
shows that no overtact of giving either iron rod or knife
was attributed against co-accused Manoj and the role that
was against Manoj was that he dragged injured Pravin
therefore, this Court granted bail in favour of co-accused
Manoj.

The F.I.R. is lodged by injured Pravin Gaikwad himself.

As per the F.I.R. and the statement of Pravin injured that time applicant no.1Talesh and applicant no.2 Rushabha and co-accused Manoj came there and without there being any reason applicant Talesh gave blow of iron rod on his head and thereafter applicant no.2 gave knife blow.

The injury certificate is available at page no.52 of the compilation . The injury report shows that there is one lacerated wound on the head which can be attributed to applicant no.1Talesh. There are five stab wounds and two incised wounds all on the vital parts of the body of Pravin. As per the injured knife blows were given by Rushabha. Further, knife is also recovered at the instance of Rushabha.

Looking to the nature of the injury it is clear that injured survived only with the grace of god. However, looking to the role attributed against applicant no.1 and nature of the injury this Court is of the view that Talesh can be released on bail. Consequently, I pass the following order.

ORDER

- I) The application is partly allowed.
- II) Applicant Talesh Jairam Jadhav 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.R.Bond of Rs. 25000/- with two solvent sureties in the like amount.

III) Applicant no.1 Talesh shall attend P.S.Pathari once in a month i.e. every third Friday of each month till culmination of the trial.

IV) The bail application of applicant no.2 Rushabha @ Vrushbha Devanand Gaikwad stands rejected.

With this application is disposed of.

JUDGE