

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

CRIMINAL APPLICATION (BA) NO.880 OF 2017

Shiva Suresh Raipure

..vs..

The State of Maharashtra, thr. PSO PS Wani, District Yavatmal

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

Court's or Judge's Order

.....
Shri M.N. Ali, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : SEPTEMBER 14, 2017.

1. Heard learned counsel Shri M.N. Ali for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.

2. Though this case is coming for the first time, learned Additional Public Prosecutor is ready with the matter. Not only that, he has tendered the reply, which is taken on record.

3. This is an application for grant of regular bail. The applicant is arrested in connection with Crime No.677 of 2017 registered with Police Station Wani, District Yavatmal for the offences punishable under Sections 307, 506, and 504 read with Section 34 of the Indian Penal Code read with Sections 3 and 25 of the Arms Act, 1959 read with Section 65(A)(E) of the

Maharashtra Prohibition Act, 1949.

4. The reply shows that first informant is Smt. Sarita Sudhakar Potulwar, who is mother of injured Viky. The information is in respect of occurrence dated 21.6.2017. From the tenor of the reply, the application is opposed by the State on the ground that the investigation is in progress and the charge-sheet is yet to be filed.

5. After hearing learned counsel for the applicant and learned Additional Public Prosecutor for the State, it is clear to this Court that this Court on 31.8.2017 has released co-accused Nishant on bail. While releasing Nishant on bail, this Court has observed from the investigation papers that the investigation is over and only filing of the final report is remained to be done.

6. Learned Additional Public Prosecutor, in my view, has rightly pointed out the difference of the case between Nishant and the present applicant. Insofar as Nishant is concerned, the only role attributed to him was that he caught hold the injured. Whereas, role attributed to the present applicant is in addition to caught holding injured he assaulted him by means of a stone.

7. The stone was found to be lying on the spot and the said is already seized by drawing seizure panchanama.

8. The applicant is in jail since 21.6.2017. The injured

is not an indoor patient. Therefore, there is a least possibility of converting his offence into more graver one.

9. In the backdrop of this, when the investigation is almost over and only formality of filing of the charge-sheet is remained to be done, in my view, further custodial presence of the applicant in jail is not warranted. That leads me to pass the following order:

ORDER

i) The criminal application is allowed.

ii) Applicant Shiva Suresh Raipure be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.677 of 2017 registered with Police Station Wani, District Yavatmal for the offences punishable under Sections 307, 506, and 504 read with Section 34 of the Indian Penal Code read with Sections 3 and 25 of the Arms Act, 1959 read with Section 65(A)(E) of the Maharashtra Prohibition Act, 1949.

iii) The applicant shall attend the police station twice in a week i.e. on Saturday and on Wednesday between 3:00 p.m. to 5:00 p.m., till the charge-sheet

is filed.

iv) After the charge-sheet is presented by the investigating officer before the Court, the applicant shall attend the police station once in a month i.e. on every 17th of each month in 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 witnesses.

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

JUDGE

!! BRW !!

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