

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [BA] No. 953 of 2017
[Shridhar Ajabrao Choudhary Vs. State of Mah, Allipur PS, Distt. Wardha]

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

Court's or Judge's orders

Mr. A. K. Sorde, Adv., for the applicant.
Mr. C. A. Lokhande, APP for respondent.

CORAM : A. S. CHANDURKAR, J.

DATE : 31st October, 2017

The applicant who has been arrested on 2nd June, 2016 in connection with Crime No. 257/16 registered at Allipur Police Station, Distt. Wardha, for the offence punishable under Section 307 of Indian Penal Code, seeks his release on bail.

As per the report lodged by one Sanjay Chaudhary, on 1st June, 2016 in the evening, there was an altercation between his brother Vinod and the present applicant over shares received by them in partition. At that point of time, the applicant is said to have assaulted said Vinod with a stick on his head. As a result of said assault, Vinod fell down and became unconscious. On that basis, the crime came to be registered. The applicant was arrested on the next day and the wooden log came to be seized.

It is submitted on behalf of the applicant that entire investigation is now complete and charge-sheet has been duly filed. The applicant is in jail since 2nd June, 2016. Though the forensic medical report dated 1st June, 2016 indicates that the victim was mentally and physically fit to give his statement, the statement of the victim has not been recorded. It is then submitted that in the heat of moment, the alleged assault is said to have been committed. As the applicant is aged about 61 years, he is entitled for being released on bail.

The application is opposed by the learned APP by relying upon the reply. It is stated that as a result of the assault, the victim cannot speak and his statement could not be recorded. Though the charge-sheet had been filed, considering the nature of injuries suffered by the victim and as the involvement of the applicant is apparent, he is not entitled for being released on bail.

Perused the First Information Report as well other documents filed along with the charge-sheet.

The incident in question is dated 1st June, 2016 and the applicant has been arrested immediately on the next day. The medical examination conducted on 1st June, 2016 indicates the condition of the victim as being in a position to give his statement. There is no further report placed on record to indicate that the victim is

unable to give his statement.

Be that as it may, considering the fact that charge-sheet has now been filed, I find that the applicant who is aged about sixty-one years, is entitled to be released on bail.

Accordingly, the applicant who has been arrested pursuant to Crime No. 257/16 registered at Allipur Police Station, Distt. Wardha, for the offence punishable under Section 306, Indian Penal Code, is directed to be released on bail on furnishing a Personal Bond of Rs. 20,000-00 [rupees twenty thousand only] and one surety in the like amount. The applicant during pendency of the trial shall not reside in Deoli Taluka, Distt. Wardha and shall not enter the limits of village Pathari during that period. The surety to be furnished should be from the place where the applicant would be temporarily residing. After his release on bail, he shall attend the concerned Police Station on 1st December, 2017 and shall co-operate in the conduct of the trial. No steps be taken to influence the prosecution witnesses.

The observations made in this order are only for deciding the bail application which is allowed and disposed of.

Judge

