

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

CRIMINAL APPLICATION (ABA) NO.706 OF 2016

Sou. Sharda w/o Sahadev Savarkar and ors

..VS..

State of Maharashtra, through the Police Station Officer, Police Station Aamdapur,
Tal. Chikhli, District Buldhana

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

Court's or Judge's Order

Shri P.S. Khubalkar, Counsel for the applicants.
Shri N.B. Jawade, Addl.P.P. for the non-applicant/State.

CORAM : P.N. DESHMUKH, J.
DATED : JANUARY 10, 2017.

Heard.

This application is filed for bail before arrest by accused involved in Crime No.230 of 2016 for the offences punishable under Sections 307, 143, 147, 148, 149, 451, 504, and 506 of the Indian Penal Code registered by Police Station Amdapur, Taluka Chikhli, District Buldhana.

Learned counsel for the applicants has submitted that from the report, no involvement either of applicants can be seen. It is also contended that applicant No.3 is in service as a Conductor and in fact was not present at the scene of offence since on duty.

The prosecution on the other hand has opposed the application on the ground that there is

direct involvement established.

Perused the case diary. It appears to be the case of prosecution, based on information by Uttamrao Shegokar on 4.10.2016, that while he was in the house with his family members, applicants entered having armed with weapons like knife, sickle, and sticks and committed assault wherein his mother Samindrabai, brother, and wife sustained injuries who were initially admitted to hospital locally and then to M.J.M. Hospital at Aurangabad.

Discharge card of Samindrabai establishes serious injuries sustained by her which are by way of compound fractures of second, fourth, and fifth ribs apart from other injuries sustained by her. Similarly, there are statements of witnesses including injured eyewitnesses who established involvement of the applicants. Their statements not only establish individual role attributed to applicants but their complexity in the present crime.

In that view of the matter, thus from the contents of report, role attributed to the applicants is clearly demonstrated.

So far as case of applicant No.3 of his being not present on the spot at the time of the incident, on perusal of the documents filed in support of the application, way bill collection report reveals that on 3.10.2016 applicant No.3 had deposited cash at 10:33

p.m. at M.S.R.T.C. Depot at Buldana. According to the F.I.R., incident took place on 3.10.2016 at 11:10 at village Khamkhed, Taluka Chikhli which is stated to be at the distance of 45 kilometers from Buldana.

Having regard to the facts as aforesaid, following order is required to be passed as *prima facie* applicant No.3 appears to be not present at the time of incident and who also appears to be in service with State Transport Department.

In the circumstances, the application is partly allowed, as per order below:

ORDER

1. Application against applicant Nos.1 and 2 stands rejected.
2. Interim relief granted to applicant No.3 by this Court by its order dated 25.10.;2016 stands confirmed with further direction to applicants to attend to the investigating officer, till filing of the charge-sheet.

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 11/1/2017