

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

CRIMINAL APPLICATION (BA) NO.1039 OF 2017

Yogesh Suresh Raipure, Damle Layout, Wani, Dist. Yavatmal

-vs-

State of Maharashtra, Thr. PSO, PS Wani, Dist. Yavatmal

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

Court's or Judge's Orders.

Shri Mir Nagman Ali, Advocate for applicant.
Shri S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : December 05, 2017

The applicant who has been arrested on 21/06/2017 in connection with Crime No.677/2017 registered with Police Station Wani, Dist. Yavatmal for the offence punishable under Sections 307, 506, 504, 34 of the Indian Penal Code, Section 3, 25 of Arms Act read with Sections 65(A)(E) of Maharashtra Prohibition Act seeks his release on bail.

As per the First Information Report, the informant has stated that she resides along with her two sons. The applicant was having a grudge against the family of the informant on account of elections that were held earlier. On 21/06/2017 the informant's son Vicky had left the house. After some time the informant was informed that her son has been assaulted and was lying injured. The applicant was named in the said report alongwith others.

It is submitted on behalf of the applicant that the applicant has been falsely implicated in the crime. The relationship between the family of the informant and that of the applicant is strained. On the same day the applicant's

father had lodged a report stating therein that the victim and his friends had assaulted the applicant herein. It is then submitted that injuries suffered by the victim are not serious and as the investigation is almost complete, he deserves to be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that a knife has been recovered from the applicant. Statements of witnesses indicate the role played by the applicant herein. As a result of that assault the victim has lost his right eye. The applicant has been booked in about seven crimes and hence the application deserves to be rejected.

Perused the Report as well as police papers. Statements of witnesses indicate the role played by the applicant in assaulting the victim. There are about 13 injuries sustained by the victim and he has lost his right eye. The weapon in question has been recovered at the instance of the applicant. Considering this material collected by the prosecution against the applicant as well as his antecents, I am not inclined to release the applicant on bail. The orders passed with regard to the other accused do not assist the case of the applicant considering the varied role played by other accused. Hence the application stands rejected.

It is clarified that the the observations made in this order are only for deciding this application which is disposed of as rejected. Pending misc. application is also disposed of.

JUDGE