

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

CRIMINAL APPLICATION (BA) NO.1110 OF 2017

Prabhu s/o Laxman Shinde, At Post Rampuri, Tah. & Dist. Bhandara

-vs-

State of Maharashtra, Thr. PSO, PS Palandur, Tah. Lakhani, Dist. Bhandara

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

Court's or Judge's Orders.

Shri S. K. Kotwal, Advocate for applicant.

Shri C. A. Lokhande, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 30, 2017

The applicant who has been arrested on 29/07/2017 in connection with Crime No.61/2017 registered at Police Station Palandur, Tah. Lakhani, Dist. Bhandara for the offence punishable under Sections 307, 506 and 34 of the Indian Penal Code seeks his release on bail.

As per the First Information Report dated 29/07/2017, the informant Jagdish has stated that on the previous night at about 9 pm the applicant and his brother had started a quarrel with him. They returned with some weapons. The applicant assaulted the informant with an iron rod on his knees. The brother of the informant came there to stop the fight. The other accused had hit the brother of the informant with an iron rod. The informant's brother succumbed to the injuries.

It is submitted on behalf of the applicant that the only role attributed to him is of assaulting the informant on his knees with an iron rod. He is not stated to have assaulted the

deceased. It is submitted that the incident in question has arisen at the spur of the moment. As the investigation is almost complete, the applicant be released on bail.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that the statements recorded indicate presence of the applicant and his brother. The applicant is also alleged to have assaulted the informant with an iron rod. The families are staying in the same village and there is likelihood of threats being given to the informant if the applicant is released.

Perused the charge-sheet. The statements recorded indicate that the applicant had hit the informant with an iron rod on his knees. The assault on the head of the deceased is by other accused. Considering the nature of injuries suffered by the informant and the fact that the investigation is complete and charge-sheet has been filed, a case for releasing the applicant on bail is made out. This would be subject to imposing of conditions.

Accordingly, the applicant Prabhu s/o Laxman Shinde, who has been arrested on 29/07/2017 in connection with Crime No.61/2017 registered with Police Station Palandur, Tah. Lakhani, Dist. Bhandara for the offence punishable under Sections 307, 506 and 34 of the Indian Penal Code, is directed to be released on bail on furnishing PR Bond of Rs.25,000/- (Rupees Twenty Five Thousand) with one surety in the like amount.

The applicant, after his release shall not enter the limits of Police Station Palandur till completion of the trial. No steps be taken to influence the prosecution witnesses.

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

Pending misc. applications are also disposed of accordingly.

JUDGE