

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

CRIMINAL APPLICATION (BA) NO.1084 OF 2016
(Lokesh s/o Jaikumar Jumde and another vs. State of Maharashtra)

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

Shri A.M. Jaltare, Advocate for applicants.
Shri A.M. Deshpande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 17, 2017

After hearing for sometime, Shri Jaltare, learned Counsel for applicants, seeks leave to withdraw criminal application of applicant no.1 Lokesh s/o Jaikumar Jumde.

Leave as prayed is granted. Criminal Application of applicant no.1 Lokesh s/o Jaikumar Jumde is disposed of as withdrawn.

The criminal application is thus further considered with reference to applicant no.2 Shubham s/o Ramesh Rao Londhe.

Shri Jaltare, learned Counsel for applicant no.2, has contended that there is absolutely no evidence against applicant no.2 to establish his involvement in the present crime and since investigation is complete and charge-sheet is filed, application may be allowed by imposing suitable conditions.

Shri Deshpande, learned Additional Public Prosecutor for respondent, has opposed the application

on the lines of reply on record.

Perused the charge-sheet made available by learned Additional Public Prosecutor. It is noted that on the basis of report lodged by Sudarshan Gawali, present crime is registered. It is reported that on 7/4/2016 at about 8.40 p.m. when Sudarshan Gawali along with his friend Gulshan, one aged person, who was grazing his cattle, and Punjab Potkar was present on the highway, one Innova Car arrived wherefrom co-accused Massa and Lokesh alighted having armed with guns. Co-accused Avinash was driving the vehicle and he too alighted from vehicle. He too was armed with gun. After sometime, one another person wearing saffron coloured shirt alighted from the vehicle, who was unknown to complainant. Said person committed assault on complainant by iron rod, which hit to the road and complainant ran way from the spot. It is further reported that at the same time, said unknown person also committed assault on complainant's friend Gulshan, who too missed the same and ran away from the spot. It is also reported that while complainant was running, co-accused Avinash chased him and fired one round from country made revolver towards him, which missed and thus, complainant went to S.K. Motors Garage and took shelter there. After the assailants had gone away in Innova car, complainant came out and found his friend Gulshan hiding himself near A.P.M.C. office

Considering the entire report, there is no whisper about involvement of applicant no.2 in any manner. Said fact is not seriously disputed by learned

Additional Public Prosecutor for respondent. During the course of investigation, it is revealed that person, who was wearing saffron coloured shirt and was referred as unknown person by complainant in his report, is one Sachin Landge. He was identified by complainant in the test identification parade. So far as applicant no.2 Shubham is considered, it is noted from the reply that his involvement is only about his having been found in the company of co-accused Avinash when Police party arrived to effect arrest and Avinash opened firing upon Police personnel before accused persons were arrested and thus, offences punishable under Sections 353 and 307 read with Section 34 of Indian Penal Code and Sections 25 and 27 of Arms Act vide Crime No.91/2016 came to be registered against applicant no.2 and co-accused.

Having considered aforesaid facts, application of applicant no.2 Shubham s/o Ramesh Rao Londhe is liable to be allowed as per order below :

Applicant no.2 Shubham s/o Ramesh Rao Londhe shall be released on bail on his furnishing a P.R. bond in the sum of Rs.25,000/- with one surety in like amount. He shall mark his presence with Police Station, Hinganghat on first day of every three months pending trial. The criminal application is accordingly allowed.

JUDGE

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