

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

CRIMINAL APPLICATION (BA) NO.1224/2017

Vaibhav @ Makya s/o Sunil Dhomne and anr. ..vs.. State of Maharashtra, thr. PSO P.S.
Tumsar, Bhandara

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

Court's or Judge's orders.

Mr. K. S. Motwani, Advocate for the applicants.
Mr. N. B. Jawade, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 20, 2017

Criminal Application No.2157/2017

This is an application filed by the brother of the deceased to assist the learned prosecutor.

The application is allowed. Smt. Manjusha Ghatole, Advocate is allowed to assist the prosecution.

The application stands disposed of.

Criminal Application No.1224/2017

1. Heard Mr. Motwani, Advocate for the applicants, Mr. Jawade, A.P.P. for non applicant-State and Mrs. Ghatole, Advocate in extenso.

2. The applicants are arrested on 22.08.2017 in connection with Crime No.263/2017 registered with Police Station, Tumsar, Dist. Bhandara for an offence punishable under Sections 302, 143, 147 and 149 of the Indian Penal Code read with Section 3 (2) (5) of the Scheduled Castes

and Scheduled Tribes (Prevention of Atrocities) Act and Section 135 of the Maharashtra Police Act.

3. The investigation is over. The charge-sheet is already filed in the matter. The FIR is lodged by one Mangesh Thool who is an eye witness in respect of the assault made on the deceased Rohit. The State has also filed the reply. The reply shows that knife blow was given by co-accused Jitu and the role attributed to the present applicants is that they assaulted the deceased by means of kick and fist blows. Except this, there are no allegations against the present applicants.

Except this, there is no role attributed to present applicants. The person who has assaulted the deceased by means of dagger is already in jail.

4. In view of the fact that the investigation is already over and the charge-sheet is filed in the matter, coupled with the fact that role attributed to the present applicants is that of giving fist and kick blows, I am of the view that, prima facie, a case is made out for grant of bail.

7. In that view of the matter, following order is passed.

ORDER

- (i) Criminal Application No.1224/2017 is allowed.
- (ii) Applicant No.1-Vaibhav alias Makya s/o Sunil Dhomane and applicant no.2-Kuldip s/o Gopal Hatkar be

released on bail in connection Crime No.263/2017 registered with Police Station, Tumsar, Dist. Bhandara for an offence punishable under Sections 302, 143, 147 and 149 of the Indian Penal Code read with Section 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 135 of the Maharashtra Police Act, on they executing P.R. Bond in the sum of Rs.20,000/- each with two solvent sureties each in the like amount.

(iii) The applicants shall attend Police Station, Tumsar once in a week i.e. on every Sunday for a period of one month after their release on bail. On completion of one month, the applicants shall attend the Police Station, Tumsar on last Sunday of every month till culmination of the trial. The applicants shall remain with the investigating officer from 02.00 p.m. to 05.00 p.m.

The application is disposed of.

JUDGE