

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

CRIMINAL APPLICATION (BA) NO.40/2018

Sunil s/o Ramdas Waghdhare

..vs..

The State of Mah., thr. PSO PS Saoner, District Nagpur

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

Court's or Judge's Order

.....
Shri C.R. Thakur, Counsel for the applicant.

Shri N.B. Jawade, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 29, 2018.

1. Heard learned counsel Shri C.R. Thakur for the applicant and learned Additional Public Prosecutor Shri N.B. Jawade for the State.

2. The applicant is arrested on 20.12.2017 in connection with Crime No.495/2017 registered with Police Station Saoner, District Nagpur for the offences punishable under Sections 307, 504, and 506 of the Indian Penal Code and, therefore, the applicant has moved this application for enlargement on bail.

3. The application is primarily opposed by learned Additional Public Prosecutor Shri N.B. Jawade for the State on the ground that the investigation is in progress and the charge-sheet is yet to be filed.

4. The First Information Report (FIR) is lodged by one

Anand Ashok Shrivastava who is nephew of injured. From the FIR it is clear that the first informant is not an eyewitness. Since injured Krushnakumar was not in a position to give his statement for quite considerable period, his statement was not recorded by the investigating agency. Ultimately, when he was found to be fit, his statement was recorded on 1.12.2017. From his statement it is clear that the applicant is not a person who has given knife blow on him. On the contrary, his statement shows that the applicant caught hold the assailant.

5. From the investigation papers it is clear that the weapon used by Sagar is already seized.

6. Looking to the nature of accusations made against the applicant by injured himself in the FIR, merely because the charge-sheet is not filed that cannot be a ground to curtail further personal liberty of the applicant. Hence, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Sunil s/o Ramdas Waghdhare, be released on bail on his executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount in connection with Crime No.495/2017 registered with Police Station Saoner, District Nagpur

for the offences punishable under Sections 307, 504, and 506 of the Indian Penal Code.

(c) The applicant shall attend the police station twice a week i.e. on Tuesday and on Saturday and shall be in the police station from 3:00 p.m. to 5:00 p.m., initially for a period of 6 months from today.

(d) After 6 months, the applicant shall attend the police once in a month i.e. on every last Friday of every month between 2:00 p.m. and 5:00 p.m., till culmination of the Trial.

(e) The applicant shall not extend any type of threat to injured or any other prosecution witnesses.

(f) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

...../-