

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

CRIMINAL APPLICATION (BA) NO.46/2018

Narayan s/o Champatrao Sabale and ors

..VS..

State of Mah., thr. PSO Hinganghat, Tahsil Hinganghat, District Wardha

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

Court's or Judge's Order

Shri M.P. Kariya, Counsel for the applicants.

Shri Nitin Rao, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 29, 2018.

1. Heard learned counsel Shri M.P. Kariya for the applicants and learned Additional Public Prosecutor Shri Nitin Rao for the State.

2. The applicants are arrested in connection with Crime No.1948/2017 registered with Police Station Hinganghat, District Wardha for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

3. The First Information Report (FIR) is lodged by Dharmaraj Krushnaji Yede. Injured is one Kamlakar.

4. The statement of Injured Kamlakar disclosed that on the day of incident i.e. on 16.11.2017 initially applicant No.1 Narayan tried to give sickle blow. However, he himself saved from the said blow. But, subsequently, applicant No.1 Narayan gave blow of sickle

on two occasions. His statement further shows that, thereafter, applicant No.2 Ajay and applicant No.3 Suraj caught hold him and, thereafter, applicant No.4 Sudan gave knife blow on his abdomen. It is further stated by Kamlakar that at that particular point of time applicant No.2 Ajay took out sickle from the hands of applicant No.1 Narayan and gave sickle blow on his back.

5. The statement of eyewitness Ghanshyam also on the lines of statement of injured Kamlakar.

6. The prosecution papers were inclusive of injury report of Kamlakar. The injury report of Kamlakar shows that he was examined by the Medical Officer of the Government Hospital at Hinganghat on 16.11.2017. His injury report shows that Kamlakar received one stab injury on his abdomen admeasuring 5x2 centimeters and having depth in abdomen cavity.

7. Thus, from the injury report it is clear that injured Kamlakar and other eyewitnesses are exaggerating version in respect of assault at the hands of applicant No.1 Narayan, applicant No.2 Ajay, and applicant No.3 Suraj. As per Kamlakar statement, applicant No.4 Sudan gave knife blow on his stomach. That statement is corroborated by the medical evidence.

8. Further, there are injury certificates of the applicants. Those certificates show that the applicants are having injuries in the nature of abrasions.

9. The weapon is already seized.

10. Since the specific role is attributed only against applicant No.4 Sudan, which is duly corroborated by the medical evidence, in my view, at this stage, though the charge-sheet is not filed, applicant Nos.1 to 3 made out a case for their release on bail. Consequently, I pass the following order:

ORDER

- (a) The criminal application is partly allowed.
- (b) The application of applicant Nos.1 to 3 is hereby allowed. Whereas, application filed on behalf of applicant No.4 Sudan is hereby rejected.
- (c) Applicant No.1. Narayan s/o Champatrao Sabale, applicant No.2 Ajay s/o Purushottam Aatole, and applicant No.3 Suraj s/o Yadavrao Aatole, be released on bail on their executing P.R. Bond in the sum of Rs.25,000/- by each of them with two solvent sureties of the like amount by each of them in connection with Crime No.1948/2017 registered with Police Station Hinganghat, District Wardha for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code.
- (d) Applicant Nos.1 to 3 shall attend the police

station once in a month i.e. on last Friday of every month and shall be in the police station between 2:00 p.m. and 5:00 p.m., till culmination of the Trial.

(e) Applicant Nos.1 to 3 shall not extend any type of threats to any of the prosecution witnesses.

(f) Needless to mention that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

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

JUDGE

!! BRW !!

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