

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

CRIMINAL APPLICATION (BA) NO.50/2018

Sagar s/o Shriniwas Makrande

..vs..

State of Mah., thr. PSO PS Chandrapur, Tahsil and District Chandrapur

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

Court's or Judge's Order

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Shri A.C. Jaltare, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 18, 2018.

1. Heard learned counsel Shri A.C. Jaltare for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
2. The applicant is arrested on 27.6.2017 in connection with Crime No.955/2017 registered with Police Station Chandrapur City, District Chandrapur for the offences punishable under Sections 307, 323, 504, and 506 read with Section 34 of the Indian Penal Code.
3. The investigation is over and the charge-sheet is already filed.
4. The report is lodged by Umesh Daulat Mahatav, the injured. From the report, it is clear that the incident of assault has taken place on account of stealing of "*Labrador Dog*".
5. No doubt true that there are injuries on Umesh as well

as other injured person by name Sandip who was admitted in the hospital and was an indoor patient from 25.6.2017 to 28.6.2017.

6. Looking to the nature of accusations made in the prosecution case, *prima facie* intention cannot be attributed to the applicant to kill the injured. Therefore, during the Trial, it is quite possible that the offence may be scaled down for the lesser offence. Since the charge-sheet is already filed, in my view, the applicant need not to continue his custodial presence any further. Hence, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Sagar s/o Shriniwas Makrande, 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.955/2017 registered with Police Station Chandrapur City, District Chandrapur for the offences punishable under Sections 307, 323, 504, and 506 read with Section 34 of the Indian Penal Code.

(c) The applicant shall attend the police station twice in a month i.e. on 1st and 4th Saturdays of every month and shall be with the investigating officer from

3:00 p.m. to 5:00 p.m., till culmination of the Trial.

(d) It is made clear 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.

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

JUDGE

!! BRW !!

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