

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

CRIMINAL APPLICATION (BA) 365 OF 2018

(Deepmal s/o. Bapurao Kamble..vs.. State, thr PSO, PS, Pusad (Rural))

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

Court's or Judge's orders.

Shri V.N. Patre, counsel for applicant.
Shri M.K. Pathan, Addl. Public Prosecutor for respondent / State.

CORAM: ROHIT B. DEO, J.

DATE: 7th June, 2018.

Heard.

2 The applicant is in custody since 28.11.2017 in relation to offence punishable under section 307, 326, 506 read with section 34 of the Indian Penal Code registered at Police Station Pusad (Rural). The other two co-accused are released on bail.

3 The submission of the learned counsel is that due to enmity, the applicant is falsely implicated. The submission is that in 2014 an offence came to be registered against the injured for assaulting the present applicant. Be that as it may, enmity is always a double edged sword and may as well be a motive for assault.

4 However, having perused the material on record as is discernible from the chargesheet and in particular the injury certificate, and having regard to the fact that the injured received treatment only for two days, prima facie, even if the material on record is taken at face value, it

would be difficult to say with any degree of certainty that the applicant intended to cause death. This is of course a prima facie observation.

5 However, while I am inclined to allow the application, certain conditions would have to be imposed to ensure that such instances do not reoccur and the peace of the village is not vitiated.

6 The application is allowed.

7 The applicant be released on bail on furnishing personal bond of Rs. 15,000/- with a solvent surety of like amount.

8 The applicant shall not enter the territorial jurisdiction of Police Station Pusad (Rural) till the conclusion of trial, unless he is permitted to do so for just and exceptional reasons, by the learned Trial Court. The applicant is however, permitted to attend the Court hearings.

9 The applicant shall not tamper with the evidence nor shall the applicant directly or indirectly attempt to influence the witnesses in any manner.

JUDGE

RS Belkhede