

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

CRIMINAL APPLICATION (BA) NO.402 OF 2018

(Santoshrao s/o Rambhau Daf Vs. State of Maharashtra thr. PSO PS Wadner, Dist.
Wardha)

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

Court's or Judge's orders.

Shri R.M. Daga, Advocate for Applicant.
Shri T.A. Mirza, APP for Respondent-State.

CORAM: ROHIT B. DEO, J.

DATE: 11th JUNE, 2018.

The applicant is in custody since 23.08.2017 in connection with Crime 362/2017 registered at Wadner Police Station, District Wardha for offence punishable under section 302 read with section 34 of the Indian Penal Code.

The case of the prosecution is that the applicant and his two sons, who are co-accused, objected to certain persons gambling in front of their house. The objection culminated into a serious altercation in which the applicant allegedly assaulted one Vilas Ashtankar fatally.

Two witnesses including the informant, who incidentally was one of the gamblers, have stated that the applicant assaulted the deceased with a stick. Concededly, nothing is recovered from the applicant. The other witness Dnyaneshwar has not stated that the applicant assaulted the deceased. The role attributed to the applicant by the said witness is that he exhorted his sons to assault the deceased.

In the light of the accusation against the present applicant and the material on record, I do not deem it appropriate that the applicant should languish in judicial custody till the conclusion of the trial.

The application is allowed.

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

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

JUDGE