

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

CRIMINAL APPLICATION (ABA) NO.322/2018

Gopal Uttamrao Jadhav

...Versus...

State of Maharashtra, through Police Station, Risod, Distt. Washim

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

Court's or Judge's orders

Shri D.S. Amale, Counsel for applicant
Mrs. M.H. Deshmukh, APP for respondent

CORAM : ARUN D. UPADHYE, J.

DATE : 29/05/2018

1. Heard.
2. The learned Counsel for the applicant has submitted that main accused Parameshwar Choudhari and other four persons are already released on bail. The allegation made against this applicant is that he is a member of unlawful assembly and was holding iron rod and by snatching the same Parmeshwar has assaulted the complainant. The investigation is almost completed. Weapons are already seized. The applicant therefore be released on anticipatory bail.
3. Learned Additional Public Prosecutor however objected the same and strongly relied upon paragraph no.6 of the say filed by the State. In the say it is submitted that the applicant has past criminal records and also having specific role in the assault and therefore the application be rejected. It is stated that the weapon used in the crime is yet to be recovered.

4. Considering the submissions of the rival parties and having gone through the material placed on record, I am of the view that the applicant could be released on anticipatory bail. No specific role is attributed in the F.I.R. The other co-accused are already released on bail. The submission is put forth on behalf of the State that witnesses have stated that applicant has assaulted by means of handle of 'Khora'. The said weapon is already seized in the crime.

5. Considering the above facts and circumstances of the case, following order is passed.

Criminal Application is allowed. In the event of arrest of the applicant, he be released on anticipatory bail upon furnishing P.R. bond in the sum of Rs.20,000/- and shall furnish one surety in like amount, in Crime No.81/2018 registered with Police Station Risod for the offences punishable under Sections 307, 143, 147, 148, 149, 294 and 506 of Indian Penal Code on the following conditions.

(i) The applicant shall cooperate with the investigating agency.

(ii) The applicant shall not threaten or pressurize the prosecution witnesses.

(iii) The applicant shall attend the Police Station Risod, on fourth Sunday of every month between 11:00 a.m. to 1 : 00 p.m. till completion of the investigation.

Hamdast allowed.

JUDGE