

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

CRIMINAL APPLICATION (BA) NO.511 OF 2018

Santosh Bajinath Kesharwani, R/o Satkhiradi Dahisath Road, Amravati
 Vs.

The State of Maharashtra, Thr. PSO PS Kholapurigate, Dist. Amravati

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

Court's or Judge's orders

 Shri Akshay Sudame, Advocate for Applicant.
 Shri N. R. Patil, APP for non-applicant-State.
 Shri C. B. Dharmadhikari, Advocate for Intervenor.

CORAM : Z.A.HAQ, J.

DATED : MAY 25, 2018.

Criminal Application No. of 2018.

In the facts of the case, the applicant-victim is permitted to assist the prosecution. Criminal Application is allowed accordingly.

Criminal Application (BA) No.511 of 2018.

The applicant is arrested on 2nd March 2018 in connection with Crime No.54/2018 registered with Police Station Kholapurigate, Dist. Amravati for the offences punishable under Sections 307, 325, 143, 147, 148, 120-B, 109 and 114 of the Indian Penal Code, Section 135 of the Maharashtra Police Act and Sections 4 and 25 of the Arms Act.

The crime is registered on complaint lodged by Ajay Thakur on 1st March 2018. The accusations

against the applicant are that, he alongwith nine others assaulted Bhupendra Thakur (victim) who sustained about nine injuries, the cause of assault being a dispute over the marriage of a boy belonging to the community of present applicant and the girl belonging to other community. According to the applicant, except Crime No.164/2016, no other crime is registered against the applicant. The applicant has stated that Crime No.164/216 was registered against the applicant on a false and frivolous complaint lodged by Hargundas Wasuramji Ghundiyal against whom the applicant has also lodged a complaint and on that, Crime No.165/2016 is registered against said Hargundas Wasuramji Ghundiyal.

The application is opposed on the ground that the statements of three witnesses are yet to be recorded and threats are being given from the side of the applicant to the witnesses. It is further argued that if the applicant is released on bail, there may be further disputes between the two groups.

To counter the submissions made on behalf of the non-applicant-State and the victim, the learned Advocate for the applicant, on instructions, has submitted that the applicant undertakes that he will not enter the limits of Amravati City till 15th July 2018 except prior written permission of the Dy. Commissioner of Police in whose jurisdiction the Police Station Kholapurigate falls.

Considering the fact that the applicant is a businessman and is not involved in any other crime except the one referred earlier, his request for grant of bail can be considered mainly as the non-applicant has not been able to show that further custody of the applicant is required for investigation. Hence, the following order is passed :

The applicant-Santosh Bajinath Kesharwani having been arrested in connection with Crime No.54/2018 registered with Police Station Kholapurigate, Dist. Amravati, he be released on bail on executing PR Bond of Rs.20,000/- and furnishing two solvent sureties in the like amount.

The applicant shall abide by the assurance given by him and shall not enter the limits of Amravati City unless granted written permission by the Dy. Commissioner of Police.

The Criminal Application is allowed in the above terms.

JUDGE