

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

Criminal Application 1206 of 2018

&

CRIMINAL APPLICATION (BA) 649 OF 2018

(Shrikrushna s/o. Prabhu Kale & anr..vs.. State, thr PSO, PS Washim (Rural))

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

Court's or Judge's orders.

Shri R.J. Shinde, counsel for applicants.
Shri. V.A. Thakre, APP for non-applicant.
Shri A.B. Mirza, counsel for applicant/intervener in Cri. Appln 1206 of 2018.

CORAM: ROHIT B. DEO, J.

DATE: 12 July, 2018.

Criminal Application 1206 of 2018

The application is allowed.

CRIMINAL APPLICATION (BA) 649 OF 2018

Heard.

2 The applicants are in custody in Crime 134 of 2018 registered for offences punishable under section 307, 326, 147, 148, 149, 504 and 506 read with section 34 of the IPC registered at Police Station Washim (Rural).

3 The offence punishable under section 307 is subsequently added after receiving the injury certificates of the injured. The incident appears to be a fall out of dispute over ancestral property. The applicants and the injured are close relatives.

4 Although, minute evaluation of evidence on record is not necessary, having perused the injury

certificates and the circumstances in which the alleged assault took place, whether section 307 of the IPC would be attracted is arguable. In any event, this aspect shall have to be looked into by the trial Court.

5 It is not seriously disputed that the investigation is virtually complete and only the formality of filing the chargesheet remains. The apprehension of the learned APP Shri V.A. Thakre that if the applicants are released on bail, such instances would re-occur and the peace shall be vitiated, can be taken care of by imposing stringent conditions.

6 The application is allowed.

7 The applicants are released on bail on furnishing a personal bond of Rs. 15,000/- each with a solvent surety of the like amount.

8 The applicants shall not enter the territorial limits of village Bhat-Umara unless they are permitted to do so by the trial Court, for exceptionable and compelling reasons.

9 The applicants shall attend Police Station Washim (Rural) every Saturday and Sunday between 10.00 a.m. to 12.00 p.m. till filing of the chargesheet.

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

JUDGE

RSB