

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

CRIMINAL APPLICATION (BA) 678 OF 2018

(Shivaji Mohanrao Deshmukh...vs.. State, thr PSO, Mahagaon)

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

Court's or Judge's orders.

Shri S.A. Chaudhari, counsel for applicant.
Shri C.A. Lokhande, APP for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 13th July, 2018.

Heard.

2 The applicant is in custody since 18.2.2018 in Crime 83 of 2018 registered with Mahagaon Police Station for offence punishable under sections 302, 324, 504, 506 read with section 34 of the IPC.

3 The offence is registered on the basis of report lodged by the son of the deceased on 3.2.2018. Perusal of the said report would reveal that the assault which proved to be fatal is attributed to the co-accused one Gajanan Deshmukh. The applicant is the pan shop owner and according to the report since the applicant did not promptly return the change, the deceased protested. For reasons unexplained, the co-accused Gajanan Deshmukh who was also at the pan shop intervened and picked up a fight with the deceased. During the altercation Gajanan Deshmukh allegedly slapped the deceased and assaulted the deceased on the head with a wooden plank. The said Gajanan Deshmukh is released on bail by the learned Sessions Judge.

4 The release of Gajanan Deshmuk, who has undoubtedly played the major role in the incident apart, even de-hors the said development, in the light of the accusation in the First Information Report, there is no reason why the applicant should languish in custody. The application is allowed.

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

6 The applicant shall not tamper with the evidence nor shall he attempt to influence the witnesses in any manner.

JUDGE

RSB