

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

CRIMINAL APPLICATION (BA) NO.725 OF 2018

(Sukhdeo s/o Kundlik Raut Vs. State of Maharashtra thr. PSO PS Aroli, Dist. Nagpur)

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

Court's or Judge's orders.

Shri A.K. Bhangde, Advocate for Applicant.
Shri C.A. Lokhande, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 31st JULY, 2018.

The applicant is arrested in connection with Crime 104/2018 registered with the Police Station Aroli, District Nagpur for offence punishable under section 307 read with section 34 of the Indian Penal Code.

2] The applicant and his brother are accused of having assaulted the owner of the neighbouring field Maroti Raut.

3] The learned counsel Shri Bhangde submits that the limited role is attributed to the present applicant. The assault by axe is attributed to the co-accused Balaji. The submission is that the weapon is discovered and seized pursuant to section 27 of the Indian Evidence Act memorandum and the investigation is nearly complete.

4] I have perused the case diary. The submission of

the learned counsel Shri Bhangde is that the injured was discharged within 24 hours. The statement is disputed by the learned A.P.P. who states that the injured was discharged from one hospital only to be admitted to another having better facilities. The medical papers on record do not reveal the precise nature and extent of injuries although there is a reference to lacerated wounds on the scalp.

5] The statement of the son of the injured, Liladhar is that initially the applicant and Balaji assaulted his father with fists and blows. However, the injured himself does not state that before Balaji assaulted him by axe he was assaulted by Balaji and the present applicant Sukhdeo by fists and blows. What is attributed to the applicant is that he held the hands of the injured. Although a minute evaluation of the material is not required, particularly since the investigation is on going and the charge-sheet is yet to be filed, the broad probabilities of the case would suggest that the discretion can be exercised in favour of the present applicant.

6] The application is allowed.

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

[ii] The applicant is directed not to enter the

territorial limits of Police Station Aroli, District Nagpur till the filing of the charge-sheet.

[iii] Once the charge-sheet is filed, the learned Trial Court shall decide whether such restriction is necessary for further period.

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

[v] The applicant shall furnish his present address and mobile number to the Investigating Officer immediately after being released from custody.

JUDGE