

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

CRIMINAL APPLICATION (BA) NO.874 OF 2018

(JITENDRA VISHWANATH KHANDATE...VS.. STATE OF MAH. THR. PSO PS KURKHEDA, DIST.
 GADCHIROLI)

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

Court's or Judge's orders

 Shri C.R.Thakur, Advocate for Applicant.
 Shri N.B. Jawade, A.P.P. for Non-applicant/State.

CORAM : Z.A.HAQ, J.

DATED : OCTOBER 11, 2018.

Heard.

The applicant is arrested on 23rd April 2018 in connection with Crime No.62 of 2018 registered by the non-applicant for the offences punishable under Sections 307, 354, 323, 504 and 506 of the Indian Penal Code and under Section 65(d) of the Maharashtra Prohibition Act and under Section 135 of the Maharashtra Police Act.

According to the Investigating Agency, when the members of the Liquor Prohibition Committee obstructed the applicant from carrying liquor in can, he assaulted a woman (complainant) and ran away and again came with an axe and tried to kill her and outrage her modesty.

The application is opposed on the ground that earlier also Crime No. 273 of 2017 is registered against the applicant for the offences punishable under Sections 65(d) and 83 of the Maharashtra Prohibition Act, and considering the nature of accusations in the present case, it is likely that the applicant may again attack the members of the Prohibition Committee.

Alternate submission is made by the learned A.P.P. that in case the Court is of the view that the applicant has to be released on bail, then he should be directed that he will not enter village Kharkada, Tahsil : Kurkheda, District : Gadchiroli till the trial concludes.

The applicant (aged about 40 years) claims to be an agriculturist. Except for crime No.273 of 2017, any other crime / offence is not registered against the applicant. The investigation is complete and charge-sheet is filed. The non-applicant has not been able to point out that further custody of the applicant is necessary. The apprehension expressed by the Investigating Agency that if the applicant is released on bail he may again indulge in commission of same crime is without any basis.

In the facts of the case, following order is passed:

The applicant, having been arrested in connection with Crime No.62 of 2018, registered by the non-applicant, he be released on bail on furnishing cash security of Rs. Twenty Thousand and one solvent surety in the like amount.

The cash security shall be furnished by the applicant within ten days. The cash security shall be treated as Muddemal. Order regarding its disbursal shall be passed by the trial Court at the time of disposal of the trial.

The application is **allowed** accordingly.

JUDGE