

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

CRIMINAL APPLICATION (BA) NO.48 OF 2019

(Pravin Waman Suryawanshi Vs. State of Maharashtra thr. PSO Ps Pusad City, Tq.
Pusad, Dist. Yavatmal)

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

Court's or Judge's orders.

Shri V.B. Bhise, Advocate for Applicant.
Shri V.P. Gangane, APP for Non-Applicant/State.

CORAM: M.G. GIRATKAR, J.

DATE: 7th FEBRUARY, 2019.

Heard Shri Bhise, Advocate for the applicant.

He has pointed out statement of injured namely Kisan Pulate. Learned Advocate has submitted that applicant had no intention to kill the deceased. Therefore, offence punishable under Section 307 of IPC is not attracted. Learned Advocate pointed out that the injured on the date of quarrel and the applicant told him that as to why he came there. During the altercation he gave blow of iron rod. Learned Advocate has submitted that the main offence punishable under Section 307 of IPC is not attracted. Other offences are tribal by Judicial Magistrate First Class. Investigation is complete. Charge-sheet is filed. The applicant is in jail from 14.10.2018. Therefore, pray to release him on bail.

Shri Gangane, learned APP has strongly objected the application.

He has submitted that the weapon is recovered at the instance of the accused/applicant.

From the perusal of contents of the statement of injured, it appears that injured himself went to see the quarrel. The quarrel was going on in between other two persons. The present applicant asked injured as to why he came there and during the course of quarrel he gave blow of iron rod. At this stage whether applicant had any intention to cause injury is doubtful. Learned Advocate for the applicant has pointed out ingredient of Section 307 of IPC. It is a matter of evidence. The applicant is in jail from 14.10.2018. Investigation is complete. Charge-sheet is filed. Further detention is not required. Hence, following order.

- [i] The application is allowed.
- [ii] Applicant be released on bail on furnishing PR bond in the sum of Rs.25000/- with one solvent surety in the like amount on following conditions.
 - [a] The applicant shall not tamper the evidence of prosecution witnesses.
 - [b] The applicant shall attend the trial Court on each and every date.
 - [c] The applicant shall not leave the jurisdiction of trial Court without prior permission.
 - [d] Breach of any condition amounts to cancellation of bail.

JUDGE