

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

Criminal Application (BA) No. 360 of 2019

Virendra @ Twinkle S/o Jitendra Sonwane

Vs.

The State of Maharashtra through P.S. Pachpaoli, Nagpur

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

Court's or Judge's orders

Mr. C.R. Thakur, Advocate for applicant
Mr. M.J. Khan, APP for non-applicant.

CORAM : MANISH PITALE, J.

DATED : JUNE 17, 2019

The applicant herein is one of the six accused persons, who are alleged to have been part of unlawful assembly and committed an offence under Section 307 of the Indian Penal Code. The allegation against the applicant is that when the incident of assault on the victim took place, he threw chilly powder on the victim, facilitating the co-accused to assault the victim by iron rod and knife. FIR dated 14/07/2018, was registered at the behest of the complainant who claims to have been present at the spot of incident as he is friend of the victim.

2. It is pointed out by the learned counsel appearing for the applicant that the applicant was arrested on 15/07/2018 and that he has been behind the bars for almost one year. It is pointed out that the

investigation has been completed and chargesheet was filed on 09/10/2018 itself. It is further contended that even charges have not been framed before the Trial Court and that looking to the number of witnesses the prosecution intends to examine, the trial will take considerable period of time. Thus, even if role attributed to the applicant is accepted for the sake of arguments, he cannot be held responsible for the injuries suffered by the victim.

3. The learned APP has strongly opposed the grant of bail because it is pointed out that the applicant was part of unlawful assembly and all the accused committed serious offence under Section 307 of IPC. It is contended that there is every possibility of the applicant absconding if granted bail and there was possibility of influencing witnesses.

4. Having heard the counsel for the parties, this Court is of the opinion that since the applicant has been in custody for almost a year and chargesheet is already filed upon completion of investigation, conditional bail can be granted to the applicant, in order to ensure his presence before the Trial Court. The material on record does not prima facie indicate that the alleged role attributed to the applicant resulted in injuries suffered by the victim.

5. In view of the above, the present application is allowed and the applicant is directed to be released on bail on following conditions.

- a) The applicant shall furnish PR bond of Rs.50,000/- and surety in like amount.
- b) The applicant shall attend Police Station Pachpaoli, Nagpur once in a week i.e. on Sunday between 10.00 a.m. to 5.00 p.m.
- c) The applicant shall remain present before the Trial Court on each date of the proceeding.
- d) The applicant shall not influence the witnesses in any manner.

6. It is made clear that if the applicant violates any of the conditions stated above, the bail granted to him shall stands cancelled.

7. The application is allowed in above terms.

JUDGE