

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

Criminal Application (BA) No. 612 of 2019

Rama @ Ramchandra s/o Kisan Barade

Vs.

State of Maharashtra through P.S.Channi, Tah. Patur, Distt. Akola.

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

Court's or Judge's orders

Mr. A.S.Londhe, Advocate for the applicant
Mr.H.R. Dhumale, APP for the non-applicant.

CORAM : MANISH PITALE, J.

DATED : AUGUST 7, 2019

The applicant has approached this Court seeking bail as he stood arrested on 23.3.2018 in connection with FIR of the same date for offences punishable under Sections 307 and 325 of the Indian Penal Code.

2. The incident is said to have been taken place on 23.3.2018 in the present case and upon the FIR being registered, the applicant was arrested. Investigation is completed and the charge-sheet was filed on 22.5.2018. The report in the present case was lodged by mother of the victim, who claimed that the applicant, who was having an affair with her daughter i.e. victim entered her house and assaulted the victim by first throwing a stone on her and thereafter banging

the head of the victim on the stone. Thereafter the applicant left the place of the incident. Upon the husband of the complainant approaching the police, the victim was taken for treatment in a police vehicle and the said FIR was registered.

3. The learned counsel for the applicant has invited attention of this Court to the statement of the victim in the present case in which the incident dated 23.3.2018 has been described. A perusal of the same shows that the victim claims to have been assaulted by means of stick by the applicant and it is stated by her that her son was not in the house when the incident took place. This description is in variance with the description of the incident given by the complainant inasmuch as the complainant has not stated that the victim was assaulted by means of stick. It is stated that she was also assaulted by means of stone and the complainant had also claimed that her husband as well as the son of the victim were both present in the house when the incident took place.

4. Considering the aforesaid material, although the learned APP has opposed for grant of bail on the basis that there is material to show that serious injuries were suffered by the victim, this Court is of the opinion that the present application deserves to be allowed by imposing appropriate conditions on the applicant.

5. Accordingly, the present application is allowed and the applicant is directed to be released on bail in Crime No.70/2018 registered at Police Station, Channi, Tah. Patur, District Akola, on the following conditions:

- a) The applicant shall furnish PR bond of Rs.25,000/- and surety in the like amount.
- b) The applicant shall not enter in the village Umra, Tahsil Patur, District Akola, during the pendency of the trial.
- c) The applicant shall attend each and every date of the proceedings before the trial Court.
- d) The applicant shall neither tamper with the evidence nor influence the witnesses.

6. Needless to say that violation of any of the aforesaid conditions shall lead to cancellation of bail granted to the applicant.

7. It is clarified that the observations made in this order are limited to the question of grant of bail to the applicant.

JUDGE