

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

**CRIMINAL APPLICAITON (BA) NO.685/2019**

Gopal Ukanda Thak

**VERSUS**

State of Maharashtra, through PSO, P.S. Janefal, Tq. Mehkar, Dist.  
Buldhana.

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

Court's or Judge's orders.

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Mr. R.G. Kavimandan, Advocate for appellant.  
Mr. N.R. Rode, A.P.P. for non applicant / State.

**CORAM : V. M. DESHPANDE, J.**

**DATED : SEPTEMBER 03, 2019**

Heard Mr. R.G. Kavimandan, the learned counsel for the applicant and Mr. N.R. Rode, the learned Additional Public Prosecutor for the State. Also perused the reply and the charge-sheet.

The applicant is arrested on 24.05.2019 in connection with Crime No.355/2018 registered with Police Station, Janefal, Tq. Mehkar, Dist. Buldhana for the offence punishable under Sections 302, 324, 143, 147, 148, 149, and Section 452 of Indian Penal Code read with Section 135 of Bombay Police Act.

The First Information Report is lodged by one Raju. As per First Information Report, on 28.12.2019 his nephew Akshay, the deceased, went to the house of co-accused Ganesh for refund of amount which he lent to the

said accused. As per First Information Report, Ganesh informed Akshay that after sometime he will refund the amount. As per the First Information Report, when deceased Akshay was at his home, that time Ganesh came along with other accused persons including the present applicant and at that time Akshay was assaulted by all the accused persons by fist and kick blows. The postmortem report shows that there were no external injuries however, there was fracture of 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> right rib of the deceased. There are eye witnesses in the present case, however, their statements were not recorded on the day of the incident. Further, it is not the case of the prosecution that any deadly weapon was used by the present applicant.

Looking to the fact the applicant is arrested on 24.05.2019 and charge-sheet is already filed, in my view the application can be considered favourably. Hence, I pass the the following order:-

**ORDER**

- (i) The application is allowed.
- (ii) Applicant- Gopal Ukanda Thak, be released on bail in connection with Crime No.355/2018 registered with Police Station, Janefal, Tq. Mehkar, Dist. Buldhana for the offence punishable under Sections 302, 324, 143, 147, 148, 149, and Section 452 of Indian Penal Code read with Section 135 of Bombay Police Act, on he executing P.R. Bond in the sum

of Rs.25,000/- with two solvent sureties of the like amount.

(iii) The applicant is directed to attend Police Station, Janefal, Tq. Mehkar, Dist. Buldana once in a month i.e. on last Sunday of each month between 03:00 p.m. to 05:00 p.m. till the culmination of trial.

(iv) With this, the application is allowed and disposed of.

**JUDGE**

Diwale