

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

CRIMINAL APPLICATION (BA) NO.760/2019

Satish s/o Raviprasad Tripathi

..VS..

State of Mah., thr. Police Station Officer Police Station Old Kamptee,
Nagpur

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

Court's or Judge's Order

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Shri Masood Shareef, Counsel for the Applicant.
Shri J.Y.Ghurde, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : AUGUST 22, 2019.

1. This is an application for grant of regular bail.
2. Heard learned counsel Shri Masood Shareef for the applicant and learned Additional Public Prosecutor Shri J.Y.Ghurde for the State. Also, perused reply filed on behalf of the prosecution.
3. On 9.7.2019, the applicant was arrested in connection with Crime No.232/2019 registered with Old Kamptee Police Station, District Nagpur for offence under Section 307 read with Section 34 of the Indian Penal Code.
4. The present application for grant of regular bail is primarily opposed by learned Additional Public Prosecutor Shri J.Y.Ghurde for the State, that investigation is in progress and chargesheet is yet to be filed.
5. The criminal law was set into motion by Vijay Raviprasad Tripathi, the brother of the applicant.

6. From reply filed by the State, it is clear that on day and time of incident, quarrel took place between first informant and accused persons including the present applicant. Role attributed to the applicant is that he caught hold first informant and, thereafter, co-accused Shweta Mishra assaulted on him by means of a knife on his chest and abdomen and another co-accused Lata assaulted by means of hammer on his head.

7. From reply and from submissions of learned Additional Public Prosecutor Shri J.Y.Ghurde, it is clear that role attributed to the applicant is that he only caught hold the first informant and no role is attributed to him that he made an actual assault.

8. The applicant was arrested on 9.7.2019 and was also in police custody remand for 2 days. During police custody remand, nothing was recovered at his behest.

9. Looking to the role attributed to the present applicant and since investigation insofar as the present applicant appears to be completed, in my view, further custodial presence of the applicant is not necessary. Consequently, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant-Satish s/o Raviprasad Tripathi, in connection with Crime No.232/2019 registered with Old Kamptee Police Station, District Nagpur for offence under Section 307 read

.....3/-

with Section 34 of the Indian Penal Code, be released on bail on he executing a P.R.Bond in the sum of Rs.25000/- with one solvent surety of the like amount.

(iii) The applicant is directed to attend the police station twice in a week i.e. on Monday and Wednesday and shall remain in the police station from 11:00 a.m. and 5:00 p.m., till filing of chargesheet.

(iv) The criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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