

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

CRIMINAL APPLICATION (BA) NO.857/2019

Sudarshan Anandraoji Bannagare

..VS..

State of Mah., thr. PSO PS Karanja, District Wardha

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.....
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 R.M.Patwardhan, Counsel for the Applicant.
Shri N.B.Jawade, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 25, 2019.

1. This is an application for grant of bail.
2. Heard learned counsel Shri R.M.Patwardhan for the applicant and learned Additional Public Prosecutor Shri N.B.Jawade for the State.
3. The applicant is arrested on 1.11.2018 in connection with Crime No.551/2018 registered with Karanja Police Station, District Wardha for offences under Sections 302, 307, 143, 147, 148, and 149 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(v), 3(1)(g), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015.
4. Investigation is over and chargesheet is placed on record.
5. First Information Report is lodged by Latip

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Madhukarrao Siram. It is dated 1.11.2018, that is the date of incident itself. From the First Information Report, it is clear that there was a long standing dispute between accused persons and deceased and his family in respect of sharing of water from well for irrigating their respective agricultural properties. As per the First Information Report, on 1.11.2018, at about 7:30 a.m., first informant's brother Vilas and his father Madhukarrao were at agricultural field. They were trying to disconnect electric motor service connection from that well. At that time, the present applicant came and accosted on the ground that they are not having any right to fetch water and gave a push to Madhukarrao, the father of the first informant. At that time, co-accused Shamsundar and Dayashankar came. As per the prosecution, present applicant caught hold hand of Madhukarrao. Dayashankar who is released on bail by this Court (Coram : Manish Pitale, J.) on 23.7.2019 in Criminal Application (BA) No.472/2019 caught hold neck of Madhukarrao and, thereafter, co-accused Shamsundar assaulted by means of knife resulting into his death.

6. Previous statement of injured Vilas is available in chargesheet. It also does not attribute role to the present applicant about actual assault by any weapon.

7. On 13.12.2018, statement under Section 164 of the Code of Criminal Procedure of first informant Latip Madhukarrao Siram is also recorded. Even, in the said statement, role of the present applicant is not changed as

disclosed in the First Information Report. Only, in the said statement, he attributed role to ladies accused who are already released on bail.

8. In view of the aforesaid nature of evidence and when investigation is over and chargesheet is filed, I am of the opinion that the present application can be considered favourably in favour of the present applicant. Hence, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant-Sudarshan Anandraoji Bannagare, in connection with Crime No.551/2018 registered with Karanja Police Station, District Wardha for offences under Sections 302, 307, 143, 147, 148, and 149 of the Indian Penal Code and under Sections 3(1)(r)(s), 3(2)(v), 3(1)(g), and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015, be released on bail on his executing a P.R.Bond in the sum of Rs.25000/- with one solvent surety of the like amount.

(c) The applicant shall not enter village Sonegaon Mustafa, Tahsil Karanja, District Wardha during the pendency of the Trial.

(d) The applicant shall attend proceedings before the Trial Court on each and every date.

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(e) The applicant shall not pressurize prosecution witnesses.

(f) With this, the criminal application stands disposed of accordingly.

JUDGE

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