

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

CRIMINAL APPLICATION (BA) NO.918/2019

Kisna Bhika Thak and ors

..VS..

State of Mah., thr. PS Janefal, Taluka Mehkar, District Buldana

.....
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.G.Kavimandan, Counsel for Applicants.
Shri N.B.Jawade, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : OCTOBER 3, 2019.

1. Heard learned counsel Shri R.G.Kavimandan for applicants and learned Additional Public Prosecutor Shri N.B.Jawade for the State.
2. Applicants are arrested in connection with Crime No.355/2019 registered with Janefal Police Station, Taluka Mehkar, District Buldana for offences under Sections 302, 324, 143, 147, 148, 149 and 452 of the Indian Penal Code and under Section 135 of the Bombay Police Act.
3. The First Information Report is lodged by Raju Mohan Rathod. As per the report, on 28.12.1998, his nephew Akshay, the deceased, went to house of applicant No.4-Ganesh Bhikaji Thak for refund of amount. As per the report, said Ganesh informed Akshay that amount will be refunded after some time. As per the report, thereafter, present applicants and co-accused Gopal went to house of Akshay and assaulted him by kicks and fists blows.

4. Postmortem report shows that there is no external injury, however there was fracture on 4th, 5th, and 6th right ribs of Akshay, the deceased. Though there are statements of eyewitnesses, their statements are recorded belatedly.

5. Here, it is to be mentioned that role attributed to present applicants is identical to that of co-accused Gopal who has already been released on bail by this Court on 3.9.2019. Learned Additional Public Prosecutor Shri N.B.Jawade for the State, submitted that role attributed to present applicants is also that they assaulted by kicks and fists blows.

6. In the present prosecution case, no deadly weapon is used by any of assailants.

7. Looking to fact that investigation is over and chargesheet is filed, I pass following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant No.1-Kisna Bhika Thak, applicant No.2-Gajanan Ukanda Thak; applicant No.3-Dnyaneshwar Subhash Hiradkar, and applicant No.4-Ganesh Bhikaji Thak, in connection with Crime No.355/2019 registered with Janefal Police Station, Taluka Mehkar, District Buldana for offences under Sections 302, 324, 143, 147, 148, 149 and 452 of the Indian Penal Code and under Section 135 of the Bombay Police Act, be released on bail on their executing a P.R.Bond in the sum of Rs.25,000/- by each of them with one solvent surety by each of them of the like amount.

(c) Applicants are directed to attend the police station once in a month i.e. on last Saturday of each month and shall be in the police station from 3:00 p.m. to 5:00 p.m., till culmination of Trial.

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

JUDGE

!! BRW !!

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