

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

CRIMINAL APPLICATION [ABA] NO.681 OF 2019

[Gajanan s/o Dilip Gavane .vs. State of Maharashtra, through Police Station Officer, Police Station,
 Ansing, District-Washim]

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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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 Shri PR. Agrawal, Advocate for Applicant,
 Ms Shamsi Haider, APP for Non-Applicant.

CORAM : MRS. SWAPNA JOSHI, J.

DATED : NOVEMBER 22, 2019.

1] The applicant has filed this application for grant of anticipatory bail in Crime No.6/2019, dated 15.1.2019 for the offences punishable under sections 302, 324, 341, 143, 147, 148, 149, 452, 294, 427 and 506 of the Indian Penal Code registered by Police Station Ansing, Tahsil and District - Washim.

2] Heard both the sides. Perused the application.

3] The FIR was lodged by one Rahul Kale alleging that the applicant, along with other nine accused, were the members of unlawful assembly, whereby they assaulted the complainant and his brother, due to which, they received serious injuries. During the course of the day, the brother of the complainant succumbed to the injuries.

4] The learned advocate for the applicant vehemently argued that only allegations against the applicant are that he has assaulted the complainant namely Rahul Kale by means of fists and kicks blows. It is submitted that the charge-sheet has been

filed in the present case and nothing is to be recovered as such from the present applicant. It is further submitted that the main accused Sagar Gavhane has assaulted the deceased by means of iron rod, due to which, he succumbed to the injuries, is behind bar and rest of the accused, except the present applicant, are released on bail by this Court.

5] The learned APP did not dispute that the chargesheet has been filed in the present case and nothing is to be recovered from the present applicant.

6] After hearing both the sides and on a perusal of the FIR and other relevant case papers, it is noticed that only allegation against the applicant is that he has assaulted the complainant Rahul Kale by means of fists and kicks blows. In fact, the main role is attributed to Sagar Gavhane, who has assaulted the deceased by means of iron rod, due to which, he died.

7] Considering the aspects that the charge-sheet has been already filed by the investigating agency and nothing is to be recovered from the present applicant and also considering the nature of offence and the role attributed to the applicant, on imposing certain conditions, the applicant is entitled for anticipatory bail. Hence, the following order is passed :

- i) In the event of arrest of the applicant in connection with Crime No.6/2019 registered at Police Station Ansing, Tahsil and District - Washim for the offences punishable under Sections 302, 324, 341, 143, 147, 148, 149, 452, 294, 427 and 506 of the Indian Penal Code, he shall be released on bail on executing a PR Bond in the sum of

Rs.50,000/- with one solvent surety of the like amount.

ii) The applicant shall not enter the jurisdiction of Ansing Police Station, District - Washim during the pendency of the trial.

iii) The applicant shall attend the proceedings before the trial court on each and every date and the applicant shall not tamper with the evidence or influence the witnesses.

8] With this order, criminal application stands disposed of.

JUDGE