

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

CRIMINAL APPLICATION (ABA) NO. 691 OF 2019

Sunil s/o Madan Sarsar .Vs. State of Maharashtra, PSO, P.S. Arvi, Tah. Arvi,
Dist. Wardha.

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

Mr. Mahesh Rai, Advocate for applicant.

Mr. S.M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 11, 2019

Heard Mr. Rai, learned counsel for the applicant and Mr. Ghodeswar, learned Additional Public Prosecutor for the non applicant-State. Also perused the investigation papers placed before me by the learned Additional Public Prosecutor for the State.

The applicant is apprehending his arrest in connection with Crime No. 590/2019 registered with Police Station, Arvi, Tah. Arvi, Dist. Wardha for the offence punishable under Sections 307, 143, 144, 148, 149 of the Indian Penal Code and under Sections 4 and 25 of the Indian Arms Act.

The first informant report is lodged by Nitesh in respect of assault made on his brother Lalit on 03.08.2019. The prosecution case as it could be seen from the statement of eye witnesses that the injured was assaulted by co-accused Balya, Punil and Amit by means of swords in their hands. The allegations against the present applicant is general in nature that he assaulted by means of stick which

was in his hand. Even the statement of Lalit, injured also shows the general accusation against present applicant whereas he has specifically attributed assault on him by means of dangerous weapons by Balya, Punit and Amit. The injury certificate would show that the injured has received four abrasions. The CT scan report also shows that subtle area of hemorrhagic contusion in the right frontal opercular cortex. Neither the injured nor eye witnesses states that the applicant was assaulted on the head of the injured.

The learned Additional Public Prosecutor for the State submits that all the weapons are already seized by the investigating agency. The applicant is protected by this Court by order dated 10.10.2019 with a condition that he shall join the investigation and accordingly he has joined so also he has interrogated by the investigating officer. In that view of the matter the applicant is entitled for the discretionary relief. Consequently, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 590/2019 registered with Police Station, Arvi, Tah. Arvi, Dist. Wardha for the offence punishable under Sections 307, 143, 144, 148, 149 of the Indian Penal Code and under Sections 4 and 25 of the Indian Arms Act, applicant – Sunil s/o Madan Sarsar, be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Arvi, Dist. Wardha once a week i.e. on every Tuesday and

shall be with the investigating officer till culmination of the trial.

The application is disposed of.

JUDGE

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