

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

CRIMINAL APPEAL (APEAL) NO. 673/2019

1. Yogesh Diwakar Petkar,
Age: 23 years,
Occupation: Technician,
R/o: Sawangi Meghe,
Taluka & District : Wardha.
(In Jail)

..... APPELLANT

// VERSUS //

1. The State of Maharashtra
Through PSO of Police Station
Swangi Meghe, District: Wardha.
2. Priyanka Rakesh Kamble,
Age: 28 years, Occupation: Nil,
R/o Swangi Meghe,
District: Wardha.

.... RESPONDENT(S)

Shri P. W. Mirza, Advocate for the appellant
Shri T. A. Mirza, APP for respondent no. 1/State.
Shri N. S. Khandewale, Advocate for respondent no. 2.

CORAM : Z. A. HAQ & M. G. GIRATKAR, JJ.

DATED : 13/11/2019

ORAL JUDGMENT : (PER:- Z.A. HAQ, J.)

1] Heard.

2] ADMIT.

3] The appellant is arrested in connection with Crime No.

334/2019 registered with respondent no. 1 – Police Station Sawangi Meghe, District – Wardha for the offence punishable under Sections 302, 307, 326, 324, 504, 34, 120B of the Indian Penal Code and Sections 3(2)(v), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4] According to the Investigating Agency, the appellant was present at the time of commission of crime and assaulted the victim by fist and kick blows. It is further pointed out that earlier also Crime No. 1076/2018 for the offence punishable under Sections 341, 323, 504, 506 and Section 34 of the Indian Penal Code was registered against the appellant.

5] Learned Advocate for the appellant has pointed out that the name of the appellant was not mentioned at the time of registration of First Information Report and his name came to be added subsequently. It is further stated that in Crime No. 1076/2018, B – Final Report is filed.

6] The appellant is in jail since 11.06.2019. The charge-sheet against the appellant is filed.

7] In the facts of the case, we are of the view that the appellant is entitled to be released on bail.

8] Hence, the following order:

- (i) The impugned order is set aside.
- (ii) The appellant having been arrested in connection with Crime No. 334/2019, registered with respondent no. 1 - Police Station, he be released on bail on executing P.R. Bond for Rs.50,000/- (Rupees Fifty Thousand only) and on furnishing two solvent sureties in the like amount.
- (iii) The appellant shall attend the sessions trial on every date unless granted exemption by the Sessions Court.
- (iv) In case the appellant fails to mark his attendance before the Sessions Court on any date, the learned Sessions Judge may make recommendation for cancellation of the bail of the appellant/accused.

9] The criminal appeal is **allowed** in the above terms.

CRIMINAL APPLICATION (APPA) NO. 921/2019

In view of disposal of the criminal appeal, this application praying for dispensing with the office objections does not survive. Hence, it is **disposed**.

JUDGE

JUDGE