

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

CRIMINAL APPLICATION (BA) NO. 1040 OF 2019

Sachin Ramdas Nagrale .Vs. State of Maharashtra,through P.S.O, P.S.
Frezarpura, Dist. Amravati.

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

Mr. B.V. Navlani, Advocate for applicant.

Mr. M.K. Pathan, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 29, 2019

This is an application for regular bail.

Heard Mr.Navlani, learned counsel for applicant
and Mr. Pathan, learned Additional Public Prosecutor for the
non applicant-State. Also perused reply filed on behalf of the
prosecution and investigation papers.

The applicant is arrested on 04.09.2019 in
connection with Crime No.937/2019 registered with Police
Station, Frezarpura, Dist. Amravati for an offence punishable
under Sections 307, 326, 341, 294 read with Section 34 of
the Indian Penal Code and under Sections 4 and 25 of the
Arms Act.

Primarily the bail application is opposed by the
learned Additional Public Prosecutor on a ground that
investigation is in progress and charge-sheet is yet to be
filed. He also invited my attention to one of the witness
Tarachand, who has attribute role to the present applicant.

First information report is lodged by Sahil Dikyav. He is cousin of Samir Dikyav. The report is lodged by on 02.09.2019 in respect of the incident of very same day. As per the report, when the injured were coming to the place of the incident, the complainant was standing along with his motorcycle since it became dry and therefore, the injured was coming along with fuel to pour in the motorcycle. At that time as per the report, three persons; Golu Solanke, Raja Raut and third person whose name was not disclosed in the report, came there and they accosted the injured and thereafter Golu brought sword and assaulted on injured. At the same time, Raja Raut assaulted by means of fist blows and used abusive language.

During the course of the investigation the statement of injured is also recorded. He corroborated the version of the first informant and also disclosed the name of the present applicant as the person who accompanied Golu and Raja. Statement of the injured would show that accused Golu assaulted on him by means of sword. He gave three sword blows and also states that Raja Raut and present applicant assaulted by means of fist blows. Tarachand's statement states that the applicant gave sword blow which is in variance with the statement of injured Samir. Therefore, at this stage much importance cannot be given to his statement in view of the availability of the statement of injured who attributes role of giving sword blows on him by co-accused Golu.

As per statement of injured the applicant participated in the crime by assaulting on the injured by fist blows. Worth to mention here that Raja Raut against whom the role is of assaulting by fist and kick blows, is already released by the learned trial Court. In view of the aforesaid circumstance, I see no reason that applicant should continue his jail presence merely because charge-sheet is not filed, that leads me to pass following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant- Sachin Ramdas Nagrale, be released on bail, in connection with Crime No.937/2019 registered with Police Station, Frezarpura, Dist. Amravati for an offence punishable under Sections 307, 326, 341, 294 read with Section 34 of the Indian Penal Code and under Sections 4 and 25 of the Arms Act, on he executing PR. Bond in the sum of Rs.15,000/- with one solvent surety of like amount.
- (iii) Applicant is directed to attend Police Station, Frezarpura, Dist. Amravati twice in a week i.e. on every Sunday and Tuesday, till filling of the charge-sheet.
- (iv) After filing of the charge-sheet applicant shall attend Police Station, Frezarpura, Dist. Amravati once in 15 days, till culmination of the trial.
- (v) With this, the application is allowed and disposed of.

JUDGE