

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

CRIMINAL APPLICATION (BA) NO.1082/2019

Swapnil Rajendra Dangat .vs. State of Maharashtra through PSO P.S.
Ramnagar, Tq. Dist. Wardha.

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

Court's or Judge's orders.

Mr. Adwait Manohar, Advocate for applicant.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 29, 2019

Heard Mr.Manohar, learned counsel for applicant
and Mr. Ghurde, learned A.P.P. for non applicant State.
Also perused the charge-sheet.

First Information Report is lodged by one Swapnil Urkudkar. According to the report, on 06.03.2019, when he along with his friends Umesh and Dnyaneshwar went to Raviraj Pan shop between 10.30 p.m. to 11.00 p.m., on two motorcycles, four unknown persons came and without there being any reason, they started assaulting on Umesh by fist blows. The report further states that out of those four persons, one person took out knife and also assaulted on the person of Umesh, resulting into bleeding injuries. Therefore, Swapnil and his friend Shubham took the injured on motorcycle by keeping the injured in between them, to Government Hospital. The report states that during that journey, deceased Umesh was uttering Pappu Dangat has assaulted on him.

From the report, it is clear that the first informant was not knowing assailant by his name. He only disclosed in report that due to utterance, he could gather name of assailant as Pappu Dangat. However, no steps were taken by the investigating officer for test identification parade of applicant from Swapnil. Then there is statement of Sagar, which shows that on the date of incident, Umesh was assaulted by two persons whereas statement of Shubham shows that Pappu Dangat assaulted by means of dagger.

Though recovery was made at the behest of applicant, it is from open place. Therefore, at this stage, much importance cannot be attached to the same.

Prima facie there is variance, as it could be seen in the statements of Swapnil, Sagar and Shubham as to the number of persons.

Applicant is not having any criminal record against him. It is reported to Court that charge is also not framed. The applicant is in jail since 08.03.2019.

In view of aforesaid, I am of the opinion that applicant can be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant-Swapnil Rajendra Dangat be released on bail in connection with Crime No.148/2019, registered with Police Station, Ramnagar, Wardha, Tq. Dist. Wardha for an offence punishable under Section 302 read with

Section 34 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Ramnagar, Wardha once in a week till culmination of trial.

The application is disposed of.

JUDGE

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