

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

CRIMINAL APPLICATION (BA) NO. 1111 OF 2019

Rakshyapal s/o Kishor Rao Khandekar .Vs. State of Maharashtra through PSO
P.S. Gadge Nagar, Amravati.

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

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for applicant.
Mr. N.R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 11, 2019

Heard Mr. Rai, learned counsel for applicant
and Mr. Rode, learned Additional Public Prosecutor for
non applicant-State.

The applicant is arrested on 02.09.2019 in
connection with Crime No.803/2019 registered with
Police Station, Gadge Nagar, Amravati for an offence
punishable under Sections 143, 147, 148, 149, 307 and
452 of the Indian Penal Code.

Investigation is over and charge-sheet is
already filed.

There are two injured, they are; Umesh
Kothari and his wife Madhuri Kothari. The incident took
place on 11.08.2019. The report is lodged by Madhuri.
Her injury certificate which is part and parcel of the
charge-sheet shows that she suffered blunt trauma on
her left knee and as per Doctor it was simple injury.

Madhuri's husband Umesh suffered four
incise wound as it could be seen from his injury report.

All injuries are grievous in nature. The charge-sheet also shows that the investigating officer conducted test identification parade and in that informant Madhuri identified the applicant.

In the aforesaid background, now lets examine whether applicant can be released on bail or not.

Madhuri's report would show that on the day of the incident at about 05:15 in the evening co-accused Nilesh Nakhate and Santosh Soni were holding knives in their hands. They were also accompanying with three unknown persons and they were armed with sticks.

According to report, Umesh was assaulted by means of knife by Santosh Soni and Nilesh Nakhate causing grievous injuries as noted by the medical officer when Umesh was examined clinically. As per report when Madhuri tried to intervene that time she was threatened and she was assaulted and thereafter the assailants flayed away.

Umesh's statement was recorded on 03.09.2019. His statement would also show that he was assaulted by giving dagger blows on his person by co-accused Nikku Kachare and Nilesh Nakhate. Even he does not attribute that he was assaulted by three unknown assailants.

In view of the aforesaid, I am of the opinion that applicant's presence was there on the spot however looking to the role attributed to him he need not

continue his jail presence. Resultantly, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) Applicant – Rakshyapal s/o Kishorao Khandekar be released on bail in connection with Crime No.803/2019 registered with Police Station, Gadge Nagar, Amravati for an offence punishable under Sections 143, 147, 148, 149, 307 and 452 of the Indian Penal Code, on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Gadge Nagar, Amravati once in a week i.e. on every Sunday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m..

The application is disposed of.

JUDGE

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