

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.960 OF 2020

Ritesh Balasaheb Hinge

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. T. M. Venjane, Advocate for applicant.

Mr. Mrs. R. P. Gaur, APP for respondent – State.

.....
CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 10-12-2020

ORDER :

. Present applicant is original accused No.2 in Crime No.342 of 2020 registered with M.I.D.C. Police Station, Dist. Latur for the offence punishable under Section 307 read with Section 34 of the Indian Penal Code. Since, he is apprehending his arrest in connection with the said offence, he has filed present application under Section 438 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. T. M. Venjane for the applicant and learned APP Mrs. R. P. Gaur for respondent – State. In order to cut short it can be said that both of them have made submissions in support of their respective contentions.

3. The first information report has been lodged by one Shubham Shekhar Shingade on 06-08-2020 in respect of an incident that had allegedly taken place on 02-08-2020. According to the informant, on 02-08-2020, when he along with his friend Rajat Waghmare were walking at about 6.00 p.m. on the ground of Dattusingh Chauhan School and then they sat there on the Varanda of the school and started playing PUBG game, original accused No.1 – Rushi Hinge went there and by saying that he has become a big person, he started assaulting the informant. Informant retaliated the same. Thereafter, said Rushi Hinge gave a phone call and then the present applicant came who then started assaulting informant by kicks and fist blows. Thereafter, accused Nos.1 and 3 started assaulting informant. Accused No.3 caught hold of informant and accused No.1 gave blow by means of knife to the right hand side of the chest and left hand side of stomach of the informant. He received serious stab injuries. He was then shifted to hospital, where he underwent operation and then he has lodged the report.

4. Perusal of the FIR would show the role attributed to the present applicant as assaulting the informant by fists and kick blows. Though it is alleged that he was called by accused No.1, yet, it would be then required at the time of Trial to consider as to whether he was sharing common intention with accused No.1. Therefore, he deserves to be released on bail. This Court by order dated 23-10-2020 had granted ad-interim protection to the applicant, it deserves

to be confirmed and made absolute. Hence, the following order :-

ORDER

- I) The application stands allowed.
- II) The order passed by learned Additional Sessions Judge, Latur in Criminal Miscellaneous Application No.391 of 2020 dated 24-09-2020 is hereby set aside. The said application stands allowed.
- III) The ad-interim protection, granted by this Court earlier to applicant vide order dated 23-10-2020, is hereby confirmed and made absolute. In other words, in the event of arrest of the applicant – Ritesh Balasaheb Hinge in connection with Crime No.342 of 2020, registered with M.I.D.C. Police Station, District Latur for the offence punishable under Section 307 read with Section 34 of Indian Penal Code, he be released on P R. and S.B. of Rs.15,000/-.
- IV) The applicant shall not tamper with the evidence of the prosecution in any manner and shall cooperate with the investigation.
- V) The applicant shall not indulge in any criminal activity.

[SMT. VIBHA KANKANWADI, J.]

scm