

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

CRIMINAL APPLICATION (ABA) NO. 05/2020

Sham Namdeorao Samdurkar Vs. State of Maharashtra through P.S.O. P.S.
Karanja, Tq. Karanja, District Washim.

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

Court's or Judge's orders.

Shri A.V. Band, learned counsel for applicant.
Shri N.B. Jawade, learned Additional Public Prosecutor for
non applicant/State.

CORAM : V. M. DESHPANDE, J.

DATED : 16th JANUARY, 2020

Heard Shri A.V. Band, learned counsel for
applicant and Shri N.B. Jawade, learned Additional Public
Prosecutor for non applicant-State. Also perused the reply.

The applicant is apprehending his arrest in
connection with Crime No.612/2019 registered with Police
Station Karanja (Lad), District Washim for an offence
punishable under Section 307 read with Section 34 of the
Indian Penal Code.

According to the prosecution case, one Tulshiram
Janardhan Kathe lodged a report on 21.12.2019. As per the
report, applicant along with others came to his shop and he
was dragged outside his shop. He was abused. According to
the prosecution case, present applicant assaulted Tulshiram
Kathe by fist and kick blows. It is the case of the prosecution
that co-accused Swapnil took out Gupti and assaulted,
however, he was saved by Manoj Bais.

Learned Additional Public Prosecutor submits
that Swapnil is arrested and Gupti is already seized.

Looking to the nature of the accusation made against the applicant, this Court on 08.01.2020 granted interim protection on a condition that applicant shall attend police station from 09.01.2020 to 15.01.2020 and shall be with the investigating officer from 11.00 a.m. to 05.00 p.m..

Learned Additional Public Prosecutor on instructions from the investigating officer submits that accordingly, the applicant has attended the police station and joined the investigation and he is already interrogated. In that view of the matter, in my view, custodial presence of the applicant is not necessary since nothing is to be recovered from him. Consequently I pass following order :

ORDER

- 1) The application is allowed.
- 2) In the event of arrest of applicant- Sham Namdeorao Samdurkar in connection with Crime No. 612/2019 dated 21.12.2019 registered with Police Station, Karanja (Lad), District Washim for an offence punishable under Section 307 read with 34 of the Indian Penal Code, he be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.
- 3) The applicant is directed to attend police station, Karanja (Lad), District Washim once in a week i.e. on every Monday and shall be with investigating officer from 03.00 p.m. to 05.00 p.m. till the charge-sheet is filed.

The application is disposed of.

JUDGE