

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

CRIMINAL APPLICATION (BA) NO.34/2020

Nilesh Madhukar Kamble and Ors. .vs. State of Maharashtra through PSO
P.S. Sindkhedraja, Dist. Buldhana.

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

Court's or Judge's orders.

Mr. Y. B. Mandpe, Advocate for applicants.

Mr. S. M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : FEBRUARY 4, 2020

Heard Mr.Mandpe, learned counsel for applicants
and Mr. Ghodeswar, learned A.P.P. for non applicant-State.

Applicants were arrested on 30.11.2019 in
connection with Crime No.224/2019 registered with Police
Station Sindkhedraja, Dist. Buldhana for an offence
punishable under Sections 394, 341, 504, 506 of the Indian
Penal Code.

Though application is primarily opposed by the
learned A.P.P. on the ground that charge-sheet is not filed,
he fairly states that in view of the investigation papers
available to him, it is clear that the investigation is almost
over and formality of filing of the charge-sheet is remained
to be done.

The incident is dated 19.11.2019 and the FIR is
lodged on 30.11.2019 however explanation is offered by the
first informant for delay and in my view, the delay cannot be
a reason to grant bail in favour of the applicant.

Be that as it may, from the FIR lodged by the first informant Shivaji, it is clear that there is a dispute between him and the applicants regarding mutation of the agriculture field. According to the FIR, on 19.11.2019, when he was proceeding to his agriculture field after attending the Court case, he was assaulted by the applicants and co-accused. They also used abusive language. According to the FIR, the accused persons snatched Rs.52,500/-, which was with him and also bank pass books.

It is to be mentioned here that the applicants were in Police Custody Remand however nothing could be recovered from them except the weapon which was used by the applicants, as per the prosecution case.

Prima facie, there is nothing on record to show that the first informant was having Rs.52,500/- with him. Of course, it will be always open for the prosecution and the complainant to prove the said fact during the course of trial. However, at this stage, since the injured is discharged from the hospital and the formality of filing of the charge-sheet is remained to be done, the applicants can be released on bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant no.1-Nilesh Madhukar Kamble, applicant no.2-Rajendra Shivaji Kamble and applicant no.3-Madhukar Shivaji Kamble be released on bail in connection with Crime No.224/2019 registered with Police Station Sindkhedraja, Dist.Buldhana for an offence punishable under

Sections 394, 341, 504, 506 of the Indian Penal Code, on they executing P.R. Bond in the sum of Rs.25,000/- each with one solvent surety each in the like amount.

(iii) The applicants shall attend Police Station Sindkhedraja, Dist. Buldhana thrice a week i.e. on every Monday, Tuesday and Saturday and shall be with the investigating officer from 11.00 a.m. to 05.00 p.m. till filing of the charge-sheet and after filing of the charge-sheet, the applicants shall attend the Police Station twice in a month i.e. on first and third Saturday of each month and shall be with the investigating officer from 11.00 a.m. to 05.00 p.m.

The application is disposed of.

JUDGE