

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

Criminal Application (BA) No. 194 of 2020
Vilas Raju Chavan Vs. State Police Station Hiwarkhed 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. D.G. Dhobale, Advocate for the applicant
Mrs. M.H. Deshmukh, APP for the respondent - State

CORAM : MANISH PITALE, J.

DATED : MAY 26, 2020

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Heard learned counsel for the applicant.

3. The applicant herein is seeking bail as he has been arrested in connection with FIR dated 05/08/2019, registered against him and other accused persons for offences under Sections 307, 324, 143, 147, 148 and 149 of the Indian Penal Code as also Section 135 of the Maharashtra Police Act, 1951.

4. A perusal of FIR and other documents on record shows that the incident is said to have taken place on 04/08/2019, when the applicant along with other accused persons, his family members, allegedly assaulted the complainant. The dispute appears to have arisen due to a grievance raised by the victim with regard to certain alleged construction made by the applicant and

his family. Although initially it was the case under Section 307 of the Indian Penal Code, but, later Section 302 of the Indian Penal Code was added as injured succumbed to the injury. The injury was suffered by the victim on the head due to blow of axe given by the applicant.

5. The learned counsel appearing for the applicant states that the applicant has no criminal antecedents and that the incident occurred during the course of altercation. The fact that there are no criminal antecedents of the applicant is verified on behalf of respondent – State. The applicant has been behind bars since 05/08/2019 and now the investigation is over and chargesheet has been filed and weapon of offence is already recovered.

6. In these circumstances, it appears that the only reason why the Sessions Court rejected the application for bail of the applicant is likelihood of commission of further offence by the applicant as relations are strained with the relatives of the complainant and they happen to reside adjacent to each other.

7. But considering the nature of material placed on record, coupled with the fact that this appears to be the first instance when the applicant has been involved in a criminal case, this Court is of the opinion that conditional bail can be granted to the applicant.

8. In view of above, the application is allowed in the following terms :

(i) The applicant shall be released on bail in connection with FIR No. 142/2019, dated 05/08/2019, registered at Police Station Hiwarkhed Dist. Buldhana on furnishing PR bond of Rs.50,000/- (Rs. Fifty Thousand) and surety of like amount.

(ii) The applicant shall not enter jurisdiction of Police Station Hiwarkhed District Buldhana during pendency of the trial.

(iii) As per statement made on behalf of the applicant, the applicant shall reside at Washim and report to Police Station Washim on 2nd and 4th Monday of each month during pendency of the trial.

(iv) The applicant shall attend each and every date of the proceeding before the Trial Court.

(v) The applicant shall provide details of his address and contact number to the Trial Court within two weeks of release.

(vi) The applicant shall not in any manner tamper with the evidence or influence the witnesses.

9. The application stands allowed in above terms.

10. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE