

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

CRIMINAL APPLICATION (ABA) NO.142 OF 2020

(Ankush Shivrang Pawar and another ..vs.. State of Maharashtra, through PSO, PS Janefar)

WITH

CRIMINAL APPLICATION (ABA) NO.175 OF 2020

(Sharma @ Sarma Bhurbhur ..vs.. State of Maharashtra, through PSO, PS Janefar)

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

Court's or Judge's orders

Shri K.V. Deshmukh, Counsel for the applicants,
Shri S.S. Doifode, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.
DATED : 18-03-2020

The applicants are apprehending arrest in connection with Crime 22/2020 registered with Police Station Janefar, District - Buldhana for offences punishable under Sections 143, 147, 148, 149, 307, 452, 504 and 506 of the Indian Penal Code

2. The first information report lodged by the informant Sunita Vinod Bhosle on 26-1-2020 implicates six persons. The gist of the first information report is that on 25-1-2020 at 7.30 p.m. the six accused assaulted her husband Vinod Bhosle.

3. The niece of the informant Deepali, who attempted to intervene, was also assaulted. The other injured is Anita-the daughter of the informant.

4. I have perused the first information report and

the specific role is attributed to the applicants Ankush Pawar, Rahul Pawar and Sharma Bhurbhur and in that context, I have also perused the material in the case diary and particularly the medical certificates.

5. *Prima facie*, I am satisfied that the present applicants can be implicated in offence punishable under Section 307 of the Indian Penal Code only with the aid of Section 34 and not otherwise. The injuries, which are inflicted by the applicants who have used stone and stick, are not grievous. It would be for the trial Court to ultimately decide whether the applicants shared a common intention with the co-accused who allegedly assaulted Vinod Bhosle with axe.

6. The stone which is allegedly used as a weapon of offence was recovered from the spot. The learned Additional Public Prosecutor Shri S.S. Doifode would submit that the stick used by Rahul is to be recovered. In my considered view, the interest of the prosecution can be safeguarded by passing the following order.

7. The applicants shall be released on furnishing personal bond of Rs.25,000/- each with a solvent surety of like amount.

8. The applicants are directed to attend Police Station Janefal on 21st, 22nd and 23rd March, 2020 and

shall be with the Investigating Officer from 11-00 a.m. to 4-00 p.m.

9. The applicants shall not tamper with the prosecution evidence nor shall attempt to influence the witnesses in any manner.

10. The applicants shall not leave country without the permission of the jurisdictional Court.

11. With the consent of the applicants, it is clarified that for the purpose of Section 27 of the Indian Evidence Act the applicants shall be in deemed custody during the aforesaid period.

JUDGE

adgokar