

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

CRIMINAL APPLICATION (BA) NO. 371 OF 2020

(Akash s/o Raju Dhurve vs. State of Maharashtra thr. PSO, PS Shantinagar, District - Nagpur)

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

Court's or Judge's orders.

Shri C.R. Thakur, Advocate for the applicant.
Mrs. S.S. Jachak, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 17, 2020.

Heard Shri Thakur, learned counsel for the applicants and Mrs. Jachak, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested in Crime No. 296 of 2019 for the offence punishable under Sections 143, 144, 147, 148, 149 and 302 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951, registered at Shantinagar Police Station, Nagpur.

The case of the prosecution is that on 12.08.2019 at about 8.30 P.M., the informant – Aparna Deshpande and the deceased husband – Ashish Deshpande went out to purchase Tea powder. At that time, her husband told her to wait for two minutes near Nalanda Chowk and went to some

distance. There, her husband had altercation with a lady upon driving vehicle (two wheeler) rashly and negligently. At 11.30 to 11.45, when the deceased was coming back from Nalanda Chowk, at that time, the accused persons had altercation with the deceased and during that quarrel, the accused assaulted her husband with iron rod, knife and floor tiles. He succumbed to injuries during the same night. The First Information Report came to be lodged.

I have perused the application, affidavit in reply and the charge sheet and also considered the submissions made on behalf of both sides.

At the outset, the name of the present applicant is not appearing in the FIR. The prosecution could not point out any recovery of weapon from the present applicant. The incident appears to be the outcome of a sudden quarrel on the issue of rash and negligent driving by the deceased.

The applicant is said to be in jail since 13.08.2019. The investigation is already completed and the charge sheet is also filed. The prosecution also could not point out any criminal antecedents.

In the given facts, the case for bail with regard to the present applicant is made out. Hence, the following order :

Criminal Application is allowed. The applicant – Akash s/o Raju Dhurve, be released on bail on

executing Personal bond of Rs. 30,000/- (Rs. Thirty thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside.

The applicant shall not tamper with the prosecution witnesses.

The applicant to attend concerned police station once in a month i.e. on every first Thursday of the month between 12.00 Noon and 2.00 P.M.

Criminal Application is disposed of accordingly.

JUDGE

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