

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 879 of 2020)

*[Gopal Madhukar Aswar Vs. The State of Maharashtra through P.S.O., P. S. Akot City,
Dist. Akola]*

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. N. Ali, Advocate for the applicant
Shri J. Y. Ghurde, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 10/08/2020

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. Heard learned Advocate Shri M. N. Ali for the applicant. He has pointed out First Information Report and statements of mother of deceased and Vijay Wadatkar and submitted that there was no intention on the part of the applicant to cause injury to the deceased. Deceased himself provoked the applicant and other accused and therefore, quarrel took place. Learned Advocate has submitted that the applicant is entitled for bail.

3. Heard Shri Ghurde, learned Additional Public Prosecutor. He has submitted that the applicant is main accused. At his instance, stick used in crime is recovered. Cause of death is head injury. Therefore, the applicant is not entitled for bail.

4. The applicant is in jail since 15-2-2020. Investigation is complete and the charge-sheet is filed.

From the perusal of First Information Report and the statements of witnesses, it appears that deceased himself provoked the applicant and other accused and therefore, quarrel took place between them. The applicant beat deceased by stick. The applicant not used any dangerous weapon. Initially, offence punishable under Section 326 of the Indian Penal Code was registered. After the death of deceased, offence punishable under Section 302 of the Indian Penal Code is added. Looking to the allegations in the report and the statements of witnesses, the application is allowed.

5. The applicant be released on bail on executing PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount on following conditions.

(i) The applicant shall not tamper the evidence of prosecution witnesses.

(ii) The applicant shall attend the trial Court on each and every date.

6. The application is disposed of.

7. 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

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