

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

Criminal Application (BA) No. _____ of 2020 (LD-VC No. 590 of 2020)
*[Mangesh S/o Tukaram Dharpawar and anr. Vs. State of Maharashtra through P.S.O., Manora,
Tq. Manora, Dist. Washim]*

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

Court's or Judge's Order

Shri D. G. Dhoble, Advocate for the applicants
Shri N. B. Jawade, APP for the State/non-applicant

CORAM : M. G. GIRATKAR, J.

DATE : 27/07/2020

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

2. Heard learned Advocate Shri Dhoble for the applicants. He has pointed out the report lodged by the complainant and submitted that both the applicants not taken any active part to cause injuries to the complainant/injured. He has pointed out non cognizable report lodged by accused no. 1 and prayed to release the applicants on regular bail.

3. Heard Shri Jawade, learned Additional Public Prosecutor. He has submitted that the complainant himself is eye witness. He has stated that both the applicants caught hold his hands and accused no. 1 inflicted blows of sickle on the chest. Therefore, the common intention of both the applicants shows that they wanted to kill complainant. At last, learned Additional

Public Prosecutor submitted that there is *prima facie* case against the applicants, hence, the application is liable to be rejected.

4. Perused the report. The complainant and accused persons are having agriculture lands adjacent to each other. On the day of incident, quarrel took place between the complainant and accused persons. During quarrel, accused no. 1 i.e. father of applicant nos. 1 and 2 inflicted injuries on the chest of complainant. It is alleged in the report that both the applicants caught hold the hands of complainant. The applicants are son of main accused, aged about 25 and 30 years. The main accused is Tukaram Dharpawar who caused injuries to the complainant. Only allegations against the applicants are they caught hold hands of the complainant. On the same day, accused lodged non cognizable report against the complainant. Looking to the allegations, the applicants are entitled for bail. Hence, following order.

(i) The application is allowed.

(ii) Applicant no. 1 Mangesh S/o Tukaram Dharpawar and applicant no. 2 Nagesh S/o Tukaram Dharpawar be released on bail in Crime No. 289/2019 registered by Police Station, Manora, Tq. Manora, District Washim for the offences punishable under Section 341, 307, 294 read with Section 34 of the Indian Penal Code on execution of PR Bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of like amount

each on following conditions.

(a) The applicants shall not tamper the evidence of prosecution witness

(b) The applicants shall attend Police Station, Manora, Tq. Manora, District Washim once in a week i.e. on every Sunday in between 10.00 a.m. to 5.00 p.m. till filing of charge-sheet.

5. 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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