

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

LD-VC-CRI APPLICATION (BA) NO. 928 OF 2020

(Vasanta s/o Sandip Barde vs. State of Maharashtra thr. PSO, Yavatmal (City), Tq. And District - Yavatmal)

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

Court's or Judge's orders.

Shri V. Awachat, Advocate for the applicant.
Shri N.H. Joshi, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
AUGUST 20, 2020.

Heard Shri Awachat, learned counsel for the applicant and Shri Joshi, learned APP for the non-applicant – State, through video conferencing.

The applicant is said to be arrested on 22.06.2020 in Crime No. 85 of 2020, for the offence punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code, registered at Police Station, Yavatmal (City), Yavatmal.

The case of the prosecution is that one Shobha Barde stated that on 12.02.2020 at around 3.00 to 3.30 P.M., one person came to their house for demanding hand loan given by him to the brothers-in-law of the informant i.e. Ravi Barde, Vasant Barde and father in law Sandip Barde. On the issue of hand loan the quarrel took place between the present

applicant and the in-laws of the informant. The husband of the informant viz., Pravin intervened the quarrel and tried to pacify. However, the brothers-in-law and father-in-law of the informant started quarrel with the husband of the informant by saying that “who is he to pay hand loan taken by him”. On 13.02.2020 at around 4.32 P.M., when the informant and her husband were standing near their door at that time both brothers-in-law and father-in-law and the informant came on the spot and brother-in-law - Vasant assaulted the husband of the informant by means of weapon on his hands and chest. Due to sudden attack, the husband of the informant fell on the ground. In the meanwhile, the other brother-in-law – Ravi and father-in-law – Sandip assaulted the informant by kicks and blows and threatened them by dire consequences. Therefore, the informant lodged report against the applicant.

The learned counsel submits that the injured is already discharged from the hospital after four days of treatment. The present applicant is HIV positive and now Covid-19 positive. The two co-accused are already on bail, granted by the Sessions Court.

The learned trial Court rejected the bail of the applicant only because the injured is still in the hospital and the investigation was at its crucial stage.

A perusal of the affidavit-in-reply show that the substantial part of the investigation is completed and as per submissions of the learned counsel for the applicant, the injured is already discharged from the hospital after four days of treatment.

The incident appears to be the outcome of quarrel amongst the relatives. No fruitful purpose would be served by keeping the applicant in jail. Hence, I am inclined to allow the application and the same is allowed by passing the following order :

Criminal Application is allowed. The applicant – Vasanta s/o Sandip Barde, be released on bail on executing Personal bond of Rs. 25,000/- (Rs. Twenty five thousand only) with one surety in the like amount.

The applicant shall not enter the vicinity of the area where the witnesses reside. He shall supply the mobile number and residential address where he shall reside while on bail, to the concerned police station.

The applicant shall not pressurize or issue threats to the evidence.

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.

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

JUDGE

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