

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

CRIMINAL APPLICATION (BA) NO. 1142 OF 2020

(Mr. Vivek s/o Ashok Gaikwad vs. State of Maharashtra thr. PSO, PS Kalamb, 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 Rajnish Vyas, Advocate for the applicant.
Shri I.J. Damle, APP for the non-applicant – State.

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CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 08, 2020.

Heard Shri Vyas, learned counsel for the
applicant and Shri Damle, learned APP for the non-
applicant – State.

2. The applicants are seeking bail in Crime
No. 239 of 2020 for the offence punishable under
Section 302 read with Section 34 of the Indian Penal
Code, registered by Kalamb Police Station, District –
Yavatmal.

3. Perused the application, affidavit-in-reply
filed by the non-applicant - State and the charge
sheet, with the assistance of both counsel.

4. The prosecution story in brief is that the deceased had taken loan of Rs.30,000/- (Rs. Thirty thousand only) from the present applicant. The present applicant was demanding the same from the deceased and he called the deceased at his place where there was scuffle between the deceased - Vishwajeet Burbre and the servant of the present applicant i.e. Vaibhav @ Doma Lakshaman Raut and in that scuffle, both received injuries and ultimately both succumbed to the injuries.

5. It is stated that Vishwajeet Burbre died on the spot while Vaibhav @ Doma Lakshaman Raut died on the next day of the incident.

6. The prosecution could not point out any substantive material from the charge sheet about the role played by the present applicant in this offence.

7. Considering the material against the present applicant, he deserves bail.

8. In the circumstances, Criminal application is allowed on the following conditions :

(i) The applicant – Vivek Ashok Gaikwad shall be released on bail on executing Personal Bond of

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

(ii) The applicant shall not issue threats or tamper the prosecution witnesses.

(iii) The applicant shall attend Police Station once in a month on every first Thursday of the month.

9. Needless to mention that the observations made in this application are strictly for deciding the present application of the applicant for bail and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

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