

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

CRIMINAL APPLICATION (BA) NO. 1150 OF 2020

(Sajid s/o Iliyas Gourve vs. State of Maharashtra thr. PSO, PS Ramdaspath, Akola)

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

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for the applicant.
Shri S.A. Ashirgade, APP for the non-applicant –
State.

.....

CORAM : PUSHPA V. GANEDIWALA, J.
DECEMBER 14, 2020.

Heard Shri Sirpurkar, learned counsel for
the applicant and Shri Ashirgade, learned APP for the
non-applicant – State.

2. The applicant is seeking bail in Crime
No. 86 of 2020 dated 16.06.2020 for the offence
punishable under Sections 143, 147, 148, 149, 307,
302, 324, 504 and 506 of the Indian Penal Code,
registered by Ramdaspath Police Station, Akola,
District - Akola.

3. It is stated that during free-fight between
two groups on the issue of water from hand-pump in
the locality, both the groups used lethal weapons and
injured each other. The allegation against the present

applicant is that he used katta and inflicted injury on the head of the deceased. The deceased died during the treatment after three days of the incident. Counter cases have been registered against each other. It is stated that all the other co-accused in both the groups are on bail except the present applicant and two other co-accused for whom Anticipatory Bail applications are pending before this Court.

4. The post mortem report shows only one serious injury on the head of the deceased and cause of death is head injury.

5. A perusal of the contents in the First Information Report do not indicate any direct intention of the present applicant to cause death of the deceased. The prosecution also could not point out any criminal antecedents against the present applicant. It appears that the death is the result of sudden quarrel between two groups on the issue of hand-pump.

6. Now the investigation is completed and the charge sheet is also filed. In the above circumstances, this Court is inclined to grant bail to the applicant, however, on stringent conditions.

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

(i) The applicant – Sajid s/o Iliyas Gourve, shall be released on bail on executing Personal Bond of Rs.40,000/- (Rs. Forty 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 and the trial Court shall not get influenced by the same and shall be free to decide the matter on its merits.

JUDGE

*GS.