

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

Criminal Application (BA) No.1204 of 2020

Kailash S/o Santosh Junghare

Versus

State of Maharashtra, through P.S.O., P.S. Sewagram, Dist. Wardha.

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

Shri A.K. Sorde, Advocate for Applicant.

Shri S.A. Ashirgade, APP for Non-Applicant.

Coram : Pushpa V. Ganediwala, J.

Date : 21st December, 2020

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

2. The applicant is seeking bail in Crime No.385 of 2019 registered at Police Station Sewagram, District Wardha for the offence punishable under Sections 302, 143, 147 and 149 of the Indian Penal Code.

3. It is the allegation of the prosecution that the applicant along with the other co-accused assaulted the deceased with knife and stick on the issue of selling of liquor.

4. Perusal of the FIR and the statements of witnesses reflects that the role assigned to the present applicant is that he was present on the spot with stick in his hand. There is no specific role attributed to the applicant. Furthermore, similarly situated accused is released on bail by this Court vide order dated 16-7-2020 passed in Criminal Application (BA) No.334 of

2020. The prosecution also could not point out any criminal antecedents against the present applicant.

5. Considering the limited role attributed to the applicant, this Court is inclined to grant bail to the applicant on the following conditions :

(i) The applicant - Kailash S/o Santosh Junghare, shall be released on bail on his executing a personal bond of Rs.25,000/- (Rs. Twenty Five thousand only) with one surety in the like amount.

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

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

6. 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.

7. The criminal application stands disposed of.

JUDGE.