

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

CRIMINAL APPLICATION (BA) NO.1170/2019

Gopichand Nathuji Wadhai

..VS..

State of Mah., thr. PSO Warora, Tahsil Warora, District Chandrapur

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

Court's or Judge's Order

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Shri M.V.Rai, Counsel for the Applicant.
Shri V.A.Thakare, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : JANUARY 08, 2020.

1. Heard learned counsel Shri M.V.Rai for the applicant and learned Additional Public Prosecutor Shri V.A.Thakare for the State. Also, perused chargesheet and reply filed on behalf of the State.

2. The applicant is arrested in connection with Crime No.449/2019 registered with Warora Police Station, Tahsil Warora, District Chandrapur for offences punishable under Sections 307, 504, and 506 of the Indian Penal Code.

3. The applicant is arrested on 24.4.2019 and since then he is in jail.

4. First Information Report is lodged by injured himself. His name is Hari Kisan Daf. Incident occurred on 23.4.2019. As per the First Information Report, at 8:30 p.m., after attending obsequies ceremony of Rambhau, Hari was sitting along with his brother Dron Daf. At that time,

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the applicant who is his neighbour came and informed that Sanjay Chimurkar has constructed a latrine at his house. As per the First Information Report, upon that the Hari asked the applicant that he is having one acre of land and still he could construct a Pakka Construction, whereas though Sanjay is having 70 acres of land, he constructed a latrine. Upon that, verbal altercation took place and, thereafter, the applicant assaulted on abdomen of Hari, the first informant and the injured.

5. Investigation is over and chargesheet is filed. The injured is already discharged from hospital and, therefore, there is no possibility of converting of the offence into graver one. There is no past criminal record at discredit of the applicant. The applicant is a labour.

6. In view of the fact that investigation is over, chargesheet is filed, and there is no possibility of converting of the offence into graver one, in my view, further custodial presence of the applicant is not warranted. That leads me to pass following order:

ORDER

(1) The criminal application is allowed.

(2) Applicant-Gopichand Nathuji Wadhai, in connection with Crime No.449/2019 registered with Warora Police Station, Tahsil Warora, District Chandrapur for offences punishable under Sections 307, 504, and 506 of the Indian Penal Code, be released on bail on his executing a P.R.Bond in the sum of

Rs.10,000/- with one solvent surety of the like amount.

(3) The applicant is directed to attend the police station once in month i.e. on 3rd Friday of each month, till culmination of Trial.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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