

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.118 OF 2021

Prakash s/o Pandurang Kavre,
Age 67 years, Occupation Agriculture,
R/o Sautada Tq. Patoda Dist.Beed.

**...Applicant
(Accused)**

VERSUS

The State of Maharashtra,
Through the Investigation Officer,
Patoda Police Station Dist.Beed.

...Respondent

.....
Advocate for Applicant : Mr. D. A. Naik
APP for Respondent-State : Mr. N. T. Bhagat.

.....

CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
03-03-2021.**

**Date of Pronouncing The Order :
17-03-2021.**

ORDER :

1. Present applicant who is aged 67 has been arrested on 09-11-2020 by Patoda Police Station District Beed, in connection with Crime No.246 of 2020, for the offences punishable under Section 143, 147, 148, 149, 307, 504 of Indian Penal Code and under Section 4, 25 of Indian Arms Act. He has filed present application under Section 439 of Code of Criminal Procedure.

2. Heard learned Advocate Mr. D. A. Naik for applicant and learned Additional Public Prosecutor Mr. N. T. Bhagat for respondent-State. In order to cut short it is stated that both of them have made submissions in support of their respective contentions.

3. At the outset, it can be seen that the investigation is over and charge-sheet has been filed on 06-02-2021. Therefore, the further physical custody of the applicant is not required for the purpose of investigation. We are, therefore, required to consider as to what evidence has been collected against the present applicant. If we consider the First Information Report which has been lodged by one Balu Laxman Sanap on 09-11-2020 in respect of incident dated 02-11-2020, it would give a first impression that it is belatedly given. In the First Information Report itself he states that after he had shouted after he was assaulted, Rushikesh Govardhan Sanap had come and then said Rushikesh had taken the informant to Patoda Police Station. Thereafter, he was given Yadi and then he went to Beed Hospital for treatment. Further the charge-sheet would show that there are eye-witnesses including the near relatives of the injured informant, however none of them have tried to lodge a report in respect of the said incident. Definitely there is delay of

seven days.

4. It is further to be noted that the name of the present applicant has been mentioned in the First Information Report along with seven other persons. It is then stated that all the eight persons had abused the informant. One Ramhari Jaising Sanap and Babu Baliram Tekale had assaulted him by iron rod on his both the legs causing him fractures. Then one Navnath Raosaheb Sanap had assaulted him by sword on his left ear. Accused Jahir Chand Pathan and Kishor Kaware had assaulted him by iron Sattur. The informant has not attributed any role to the present applicant. Some of the witnesses have stated about the presence of the present applicant, however no role has been assigned to him. The weapon has been recovered from the co-accused. Under such circumstance, when no role is attributed to the present applicant, he need not be kept behind bar till the conclusion of the trial. Hence, following order.

ORDER

- 1) Applicant Prakash s/o Pandurang Kavre, arrested in connection with Crime No.246 of 2020, registered with Patoda Police Station District Beed, for the offences punishable under Section 143, 147, 148, 149, 307, 504 of Indian Penal Code and under Section 4, 25 of Indian

Arms Act, he be released on P.R. of Rs.30,000/- (thirty thousand) with two solvent sureties of Rs.15,000/- each (fifteen thousand).

2) The applicant shall not tamper with the evidence of the prosecution in any manner.

3) He shall not indulge in any criminal activity.

4) Before submission of bail papers, the applicant should give complete address of his residence with his mobile number. So also he should comply with the requirements under paragraphs No.12 (1) to (6) of Chapter I of Criminal Manual, whichever are applicable.

5) The applicant to attend Patoda Police Station District Beed, on every Sunday in between 09.00 a.m. to 12.00 noon and maintain diary of his attendance duly countersigned by the Police Station officer, till filing of the charge-sheet.

6) Bail before Trial Court.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-