

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.230 OF 2021

Yogesh s/o anil Narwade,
Age 24 years, Occupation Education,
R/o Gayatri Nagar, Latur
Taluka and District Latur.

...Applicant

VERSUS

The State of Maharashtra,
Through the Police Officer
Shivaji Nagar Police Station,
Latur Taluka and District
Latur.

...Respondent

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Advocate for Applicant : Mr. P. P. More.

APP for Respondent-State : Mr. S. B. Narwade.

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WITH

BAIL APPLICATION NO.255 OF 2021

Satyaprakash s/o Omprakash Ambekar,
Age 21 years, Occupation Education,
R/o Kranti Nagar, Latur
Taluka and District Latur.

...Applicant

VERSUS

The State of Maharashtra,
Through the Police Inspector
Shivaji Nagar Police Station,
Latur Taluka and District
Latur.

...Respondent

.....

Advocate for Applicant : Mr. T M. Venjane.

APP for Respondent-State : Mr. S. B. Narwade.

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CORAM : SMT.VIBHA KANKANWADI, J.

**Date of Reserving The Order :
11-03-2021.**

**Date of Pronouncing The Order :
16-03-2021.**

ORDER :

1. Both the applicants have been arrested on 18-01-2021 by Shivaji Nagar Police Station, Latur District Latur, in connection with Crime No.44 of 2021, for the offences punishable under Section 307, 323, 504, 506, 34 of Indian Penal Code and Section 135 of Maharashtra Police Act. They have filed present applications for getting bail under Section 439 of Code of Criminal Procedure.

2. Heard learned Advocate Mr. P. P. More and Mr. T. M. Venjane for applicants and learned Additional Public Prosecutor Mr. S. B. Narwade 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. It is to be noted from the First Information Report and the police papers which have been made available that the said First Information Report has been lodged by one Sachin Ramakant Deshpande who runs a gift shop near Nandi Stop, Latur. At about 07.30 p.m. on 17-01-2021 when he along with his father and brother were conducting the affairs of the shop, four unknown boys came on motorcycle in front of his shop. Informant had looked at them but those boys started saying as to why he is staring at them. He tried to persuade them by saying that he is not staring at them and they have misunderstood him. But at that time one boy held knife at the neck of the informant and told that he would be killed. He started manhandling the informant and at that time his father and brother came outside the shop. The other three unknown boys who were holding iron rod and stick, resisted the brother of the informant by saying that if he interferes then he would be killed. The passers by were looking at the incident and at the same time the cousin brother of the informant was informed by the brother of the informant that he should call police. Accordingly the cousin brother of the informant called police. When police vehicle arrived, all the four unknown boys fled away from the spot. From the people, informant came to know that the boy who had showed him knife is applicant Yogesh and the boys who were holding rod and stick were Dinesh Narwade, Satya

Ambekar i.e. Another applicant here and one unknown boy. The informant has thereafter lodged the report. Thus, the impression that has been given by the informant is that there was no injury caused to him. Further the spot panchanama drawn by the police shows that one iron rod and stick was recovered from the spot. Statements of certain witnesses have been recorded which are on the same line. Whether provisions of Section 307 of Indian Penal Code would get attracted or not would be decided by the Trial Court. When now the substantial part of the investigation is over and the physical custody of the applicant cannot be kept on the ground that other co-accused have not been arrested or they are absconded, in that case the application deserves to be allowed. However, the learned Additional Public Prosecutor strongly canvassed that as against Yogesh Narwade, there are four offences already registered with the same police station and all of them are for the offences punishable under Section 324, 504, 506 of Indian Penal Code. That means, those offences are against body. He has not discovered knife used by him in the commission of the offence. Under such circumstance, when he is habituated to use dangerous weapons then possibility of some serious offence by him cannot be ruled out.

4. Whether those cases are still pending or not has not been

disclosed by the Investigating Officer. Even if it is accepted that those cases are still pending with Judicial Magistrate First Class Court, yet the pendency of those cases will not be a ground to refuse bail to him in this case because the further details in respect of those cases have not been placed by the prosecution. However, taking into consideration the said possibility that has been expressed, stringent condition deserves to be imposed on applicant Yogesh as well as another accused who appears to be moving along with applicant Yogesh. Hence, following order.

ORDER

- 1) Applicants Yogesh s/o Anil Narwade and applicant Satyaprakash s/o Omprakash Ambekar, arrested in connection with Crime No.44 of 2021, registered with Shivaji Nagar Police Station, Latur District Latur, for the offences punishable under Section 307, 323, 504, 506, 34 of Indian Penal Code and Section 135 of Maharashtra Police Act, they be released on P.R. of Rs.30,000/- each (thirty thousand) with two solvent sureties of Rs.15,000/- each (fifteen thousand).
- 2) The applicants shall not tamper with the evidence of the prosecution in any manner.
- 3) They shall not indulge in any criminal activity.

- 4) Before submission of bail papers, the applicants should give complete address of their residence with their mobile numbers. So also they should comply with the requirements under paragraphs No.12 (1) to (6) of Chapter I of Criminal Manual, whichever are applicable.
- 5) The applicants to attend Shivaji Nagar Police Station, Latur District Latur, on every Monday, Wednesday and Saturday in between 10.00 a.m. to 02.00 p.m.
- 6) If any offence under Chapter XVI of Indian Penal Code i.e. "Of offences attacking human body" is registered against the applicants while they are on bail in this case, then the prosecution is at liberty to file application under Section 439 (2) of Code of Criminal Procedure.
- 7) Bail before Trial Court.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-