

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

Criminal Application (BA) No. 558 of 2021

(Shivling Prabhakarappa Marodkar ..vs.. State of Maharashtra through P.S.O., Tiwsa, Tq. Tiwsa,
Dist. Amravati)

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

Court's or Judge's orders

Mr. S. B. Gandhe, Advocate for the applicant
Mr. M. K. Pathan, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 12-07-2021

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is in custody since 5-1-2021 in connection with Crime 10/2021 registered with Police Station, Tiwsa, District Amravati for offences punishable under Sections 307, 324, 504 and 506 of the Indian Penal Code.

3. The crime is registered on the basis of report lodged by Mrs. Surekha, who is the applicant's sister.

4. The gist of the report is that the applicant picked up a quarrel with the informant's husband Mr. Naresh,

heaped abuses and with the intention of causing death, dealt blows on the head and left hand by means of stone-roller used for cooking. In addition to the merits of the matter, learned counsel Mr. Sumit Gandhe would submit that the injured and the first informant have placed on record affidavits stating that the report is lodged due to misconception and that the dispute is settled.

5. Injured Mr. Naresh and informant Mrs. Surekha are present in Court and I have interacted with them. The report is certainly not lodged due to misconception. In my interaction with Mr. Naresh, he does speak of assault by stone. However, since the injured and the first informant intend to put a quietus to the dispute, at this stage, I am inclined to release the applicant on bail. In any event, the investigation is complete and the charge-sheet is filed. However, learned Additional Public Prosecutor Mr. Mehroz Pathan invites my attention to the statement of father of applicant-accused stating that in the past, the applicant assaulted him, too, with a stone. Mr. Pathan submits that the applicant has a propensity to indulge in nefarious activities and whatever be the

affidavits, which are obviously sworn due to the sisterly love, the applicant ought not to reside in the same Town/ Taluka which is Tiwsa, lest the other family members constantly live under fear. The submission is reasonable.

6. The applicant be released on bail on furnishing PR bond of ₹ 16,000/- (Rupees Sixteen Thousand) with solvent surety of like amount on following conditions.

(a) The applicant shall not enter the territorial limits of Taluka Tiwsa till the conclusion of the trial, unless specifically permitted to do so by the jurisdictional Court for just and exceptional reasons.

(b) The applicant is put on notice that any infraction of the condition not to enter Tiwsa or any attempt to contact any witness or family member whose statements are recorded shall entail immediate cancellation of bail.

(c) The applicant shall not leave the country without the permission of the jurisdictional Court.

7. The application is allowed in the aforestated terms.

JUDGE

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