

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

CRIMINAL APPLICATION (BA) 836 OF 2021

(Shubham s/o. Manik Jamdhade..vs.. State, thr PSO, PS Civil Lines, Dist. Akola)

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

Court's or Judge's orders.

Mr. A.S. Londhe, counsel for applicant.
Mrs. K.R. Deshpande, APP for non-applicant/State.

CORAM: ROHIT B. DEO, J.
DATE:20.08.2021.

Heard.

2. The applicant is arraigned as accused in Crime 72/2021, registered with Police Station Civil Lines, Akola, Dist. Akola, for offences punishable under sections 302, 323, 324, 120-B read with section 34 of the Indian Penal Code.

3. According to the prosecution, the deceased Mr. Gopal Shinde was assaulted by as many as six persons including two juveniles with knife and stones and Mr. Gopal succumbed to injuries.

4. The incident occurred at National Tilak School, Mothi Umari, Akola. The post mortem report reveals that

the fatal injuries are stab injuries, which according to the witnesses, are inflicted by co-accused Prem Pande. In so far as the applicant is concerned, the mother of the deceased, who lodged the First Information Report on 18.2.2021 states that the applicant was preventing the friend of the deceased from coming to his rescue. However, in the supplementary statements which are recorded 48 hours after the incident, the role attributed to the applicant is assault with stone/s.

5. It is not even the case of the prosecution that the incident took place on 18.2.2021 was premeditated. Apparently there was an altercation in which the deceased unfortunately was stabbed to death.

6. The applicant has no criminal antecedents. Since the chargesheet is already filed and the applicant is not a flight risk, he is entitled to bail, particularly, considering he is attributed a limited role in the alleged assault with stones which is by and large on non-vital parts like hand and leg.

7. The application is allowed.
8. The applicant be released on bail in connection with Crime 72/2021, registered with Police Station Civil Lines, Dist. Akola, for offences punishable under sections 302, 323, 324, 120-B read with section 34 of the Indian Penal Code, on executing PR bond of Rs. 16,000/- (Rupees Sixteen Thousand) with one solvent surety of the like amount.
9. The applicant shall not, directly or indirectly, make any attempt to influence the witnesses or otherwise tamper with the evidence.
10. The applicant shall not leave the country without the permission of the trial Court.

Judge