

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (BA) NO. 1146/2020
(Gaurav s/o Rupnath Dhoke vs. State of Maharashtra :Th. PSO PS
Katol, Dist. Nagpur)

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

Court's or Judge's order

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Mr. A.S. Manohar, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 8th February, 2021

1. The applicant has filed the present Application under Section 439 of the Cr.PC. seeking bail for offence punishable u/ss. 302, 143, 147, 148, 149, 188, 201, 269 and 270 of the Indian Penal Code, registered at Police Station Katol, in respect of Crime No. 349/2020.

2. I have heard the learned counsel for the respective parties. Perused the case-papers.

3. The first informant-Sabdar lodged the report stating that on 30.5.2020 at about 12.30 am, the applicant along with Kunal Dhoke, Madhukar Dhoke, Pappu Dhoke, Ashish Bothe and Rajat Khante, gathered near a bridge at Katol and assaulted one Mukhtar (deceased) by mean of iron rod, sticks and wooden log and fled away from the spot. On receipt of the information about the said incident from one Harshal, the first informant-Sabdar, who is the brother of the deceased, arrived at the spot; so also the police vehicle reached at the said place. They all carried Mukhtar to the Government Hospital at Katol, however, Mukhtar was declared dead.

4. Mr. A.S. Manohar, learned Advocate for the applicant vociferously argued that the applicant is innocent and his role as can be seen from the FIR, is that he assaulted the deceased by means of fist blows. He further submitted that although iron rod is recovered at his instance, it is recovered from the open space behind the house of the co-accused Ashish Bothe from whom recovery is effected and who was released on bail by the trial Court. He submitted that the Station Diary entry recorded by the police does not reveal the name of the applicant and it only reveals the name of the accused-Nehal. He lastly submitted that the applicant is languishing behind bars since 30th May 2020 and as such, he be enlarged on bail.

5. Learned APP vehemently opposed the Application.

6. After hearing both sides and on a perusal of the case-papers and reply filed on behalf of the respondent-State, it is noticed that the role of the present applicant is that he has assaulted the deceased by means of fist blows. Considering the role of the applicant and now the charge-sheet has been filed and the co-accused was released on bail by the trial Court, I am of the opinion that the applicant can be released on bail by imposing certain conditions. Hence the order :-

ORDER:

The applicant–Gaurav Rupnath Dhoke, be released on bail for offence punishable u/ss. 302, 143, 147, 148, 149, 188, 201, 269 and 270 of the Indian Penal Code, on his executing a PR bond in the sum of Rs. 30,000/- (rupees thirty thousand) with one or

two solvent sureties in the like amount, on the following conditions :-

- (i) He shall attend the concerned Police Station, on every 1st and 3rd Saturday of each month, between 11.00 and 2.00 pm, till framing of the charge by the trial court.
- (ii) He shall provide his residential address and cellphone number to the concerned Investigating Officer and shall not change the same without prior intimation to the Investigating Officer.
- (iii) He shall not tamper with the prosecution witnesses in any manner.
- (iv) He shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (v) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vi) Any observations made in this order are only for granting bail to the applicant and it shall not come in the way of the trial Court, during trial.

Criminal Application stands disposed of.

JUDGE

sahare