

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

CRIMINAL APPLICATION (BA) NO. 1249/2020

(Pawan s/o Sukhdeo Atram Vs. The State of Maharashtra: Through PSO
P.S. Imambada, 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. S.S. Ullah, Advocate for the applicant
Mr S.A. Ashirgade, Addl. Public Prosecutor for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 11th January, 2021

The applicant has filed the present Application u/s 439 of the Cr.P.C. seeking bail for offence punishable under sections 353, 332, 436, 427, 143, 144, 147, 148 and 149 of the Indian Penal Code read with section 135 of the Maharashtra Police Act registered at Police Station Imambada, Nagpur in respect of Crime No. 342/2020.

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

It is alleged that the applicant along with six to seven persons armed with stones, tiles, sticks and burning kerosene lamps attacked the house of one Palash Wasnik and other witnesses; so also damaged the two-wheeler and one auto rickshaw parked at that place and fled away from that spot.

Mr.S.S.Ullah, learned Advocate for the applicant contended that one of the accused-Ajay Pahune has been granted anticipatory bail by the Court of Sessions. Similarly, the other accused who had played a similar role, had been granted bail by the Court of Sessions. He contended that nothing has been recovered from the present applicant, so also the applicant has no criminal antecedents.

Mr. S.A. Ashirgade, learned APP vehemently opposed the Application.

Considering the role of the applicant and the fact that nothing has been recovered from him and since the applicant has no criminal antecedents to his discredit, in my opinion, the applicant is entitled for the relief. Hence the order:-

ORDER

The applicant - Pawan Sukhdeo Atram, be released on bail for the offence punishable under sections 353, 332, 436, 427, 143, 144, 147, 148 and 149 of the Indian Penal Code read with section 135 of the Maharashtra Police Act, registered at Police Station Imambada, Nagpur, in respect of Crime no. 342/2020, on his executing PR bond in the sum of Rs.25,000/- (rupees twenty five thousand) with one solvent surety in the like amount, on the following conditions :-

(i) The applicant shall attend Police Station, Imambada, Nagpur, on every Monday and Thursday between 11.00 am to 2.00 pm, till the culmination of the trial.

- (ii) The applicant shall not tamper with the prosecution witnesses in any manner.
- (iii) The applicant shall keep himself away from the jurisdiction of the concerned Police Station till culmination of trial.
- (iv) The applicant shall provide his residential address and cellphone number to the concerned Investigating officer and he shall not change the same without prior intimation to the investigating Officer.
- (v) Breach of either of these conditions will entitle the State Government to move for cancellation of bail.

Criminal Application stands disposed of.

JUDGE

Sahare