

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

CRIMINAL APPLICATION (BA) NO. 1280/2020
(Satish Ratan Gour vs. The State of Maharashtra: Th.PSO PS Lakadganj
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. C.R.Thakur, Advocate for the applicant
Mr. S.A. Ashirgade, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 14th January, 2021

The applicant has filed the present Application u/s 439 of the Cr.P.C. seeking bail for offence punishable under sections 302, 324, 143, 144, 148, 149 of the Indian Penal Code and under section 4/25 of the Arms Act, registered at Police Station Lakadganj, Nagpur in respect of Crime No. 74/2020.

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

The prosecution case in brief is that on 15.2.2020 at about 3.00 pm, when the complainant and deceased- Subhash were proceeding from Lalganj Chowk, Maskasath Chowk, Nagpur towards his home, five to six unknown persons attacked and assaulted him. It is alleged that accused no.1 assaulted him by means of knife, whereas the remaining accused assaulted him by means of kick and fist blows. The allegation against the applicant is that he assaulted the deceased by means of fist blow and kick blows.

Learned Advocate for the applicant contended that

the charge-sheet in the matter is already filed. He contended that so far as the applicant is concerned, he has simply assaulted the deceased by means of fist and kick blows, so also nothing is recovered from him. The applicant is neither named in the FIR nor his name is reflected in any of the statements of the witnesses. It is submitted that only on the basis of memorandum statement of the accused no.1 recorded u/s 27 of the Evidence Act, the present applicant has been implicated in the case. He further submitted that no doubt the applicant was externed for some time from the jurisdiction of Nagpur District, however, he has entered the jurisdiction as his wife was carrying nine months pregnancy and was about to deliver the child.

Learned APP opposed the Application contending that the applicant is having a criminal record to his discredit, so also he was identified by the witnesses in the Test Identification parade and had entered the jurisdiction of Nagpur district although externed.

After hearing both sides and on a perusal of the case papers and the reply filed by the prosecution, it is amply clear that *prima facie*, there is no involvement of the applicant as such. So also the charge-sheet is also filed in the matter. So far as the extrenment order is concerned, the applicant has explained the reason for which he entered the jurisdiction of Nagpur city.

Considering the facts and circumstances of the matter, I am of the opinion that the applicant can be released on bail by imposing certain conditions . Hence the order :-

ORDER:

The applicant -Satish Ratan Gour, be released on bail for offence punishable u/ss. 302, 324, 143, 144, 148, 149 of the Indian Penal Code and u/s 4/25 of the Arms Act, registered at Police Station Lakadganj, Nagpur, in respect of Crime No. 74/2020, 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) The applicant shall not enter the jurisdiction of Nagpur city without prior permission of the trial Court.
- (ii) The applicant shall attend the Police Station, wherever he stays, on every 1st and 3rd Saturday of the month, between 11.00 and 2.00 pm, till culmination of the trial.
- (iii) 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.
- (iv) The applicant shall not tamper with the prosecution witnesses in any manner.
- (v) The applicant shall keep himself away from the limits of area where the complainant and other witnesses are residing.
- (vi) Two consecutive absence without reasonable cause will entail the prosecution to move for cancellation of bail.
- (vii) 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.

CRI.APPP: 1409/2020

In view of disposal of main Application, this Application does not survive. The same is disposed of.

JUDGE

sahare