

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

Criminal Application (BA) No. 1145 of 2021

(Avinash @ Jitendra S/o Loknath Giri ..vs.. State of Maharashtra through P.S.O. Kalamna, Nagpur)

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

Court's or Judge's orders

Mr. N. S. Rao, APP for the State/non-applicant

CORAM : ROHIT B. DEO, J.

DATED : 22-11-2021

None appears on behalf of the applicant.

2. However, with the assistance of learned Additional Public Prosecutor Mr. Nitin Rao, I have scrutinized the record.

3. Learned Additional Public Prosecutor Mr. Nitin Rao points out that similarly situated Ganesh @ Ganiya Borikar is granted bail vide order dated 11-10-2021 in Criminal Application (BA) 897 of 2021.

4. Crime 29/2021 is registered at Police Station, Kalamna, Nagpur for the offences punishable under Sections 143, 147, 148, 149, 302, 324, 323 and 504 of the Indian Penal Code read with Section 135 of the Maharashtra Police Act.

5. The applicant is one of the 11 youths who are arraigned as accused. Three are juveniles. The victim was 16 years old.

6. The crime is registered on the basis of report lodged by Vinod who was accompanying the victim and who himself suffered injury in the assault. Vinod refers to certain previous incidents and then states that at 8.00 p.m. on 8-1-2021 when he along with the deceased and other friends were sitting at the square near Chhota Sai Mandir, the accused arrived there, co-accused 'S.S.', juvenile in conflict caught hold Dharmendra Shirmor's collar and four others including the applicant started assaulting Dharmendra with fists and blows. Dharmendra rescued himself and fled. Co-accused Babba @ Sagar chased Dharmendra but in vain. Babba returned and assaulted Vinod on the left hand and then Vinod ran from the spot and when he looked back from a distance, Babba, Manish Patel, Tushar Yadav, Nitesh Yadav and their companions had held Vinay and juvenile in conflict 'S.S.' was assaulting him on the stomach with knife like weapon.

7. It appears from the statements that only role attributed to the applicant is assault with fists and that too on Dharmendra and not deceased. Considering the role attributed, the age of the applicant, the fact that there does not appear to be any criminal antecedent and that the co-accused, who is similarly situated, is already released on bail, I am inclined to allow this application.

8. The application is allowed subject to the following conditions.

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

(b) The applicant shall not tamper with the evidence or make any attempt to influence the witnesses, directly or indirectly.

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

JUDGE

wasnik

Digitally signed by AVINASH
YUVRAJ WASNIK
Signing Date: 22.11.2021 17:21