

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 BAIL APPLICATION NO.549 OF 2022

KIRAN NANDU GOTRAL

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. R.J. Nirmal, Advocate for the applicant

Mr. V.S. Badakh, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 29th APRIL, 2022

PER COURT :

1 Applicant has been arrested on 21.03.2022 in connection with Crime No.62/2022 dated 08.03.2022 by Waluj Police Station, Dist. Aurangabad for the offence punishable under Section 395, 364, 354, 324, 323, 504, 506 of the Indian Penal Code, 1860 and under Section 4/25 of the Arms Act, 1959. He has filed present application under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. R.J. Nirmal for the applicant and learned APP Mr. V.S. Badakh for the respondent. In order to cut short, it can

be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report would show that it has been lodged by one Jitendra Murlidhar Bhagwat and at the time when the First Information Report was lodged he disclosed name of two persons only; one is Sagar Deokar, who is the brother-in-law of the informant and another is Ajay, who is stated to be driver of the vehicle, from which he was tried to be abducted. As regards others are concerned, he has stated that they were unknown to him. It appears from the First Information Report that there is matrimonial dispute going on between informant and his wife, who is the sister of accused No.1. According to him, he had come to Aurangabad to attend the date before Family Court on 07.03.2022 and then at about 7.00 p.m. he went to C.P. office and left the police person Mr. Raut, who was alleged to have been given for his security. Thereafter, when he was seen one Sai Yashwanti Hotel at Limbejalgaon, at that time, his brother-in-law came along with about five persons. He was assaulted by the handle of the pistol. Informant was along with his sister and her husband. It is then stated that they had dragged him towards a car and after taking him in car they went towards Toll Plaza and again took U turn and went towards Nagar road. The car took kachcha road by the side of one Rajput Petrol Pump and at that time the informant says that he had jumped from the car and started to come

towards road but the persons from motorcycle assaulted him on his both legs by wooden sticks.

4 In his supplementary statement recorded on 11.03.2022 he has given the name of the present applicant as Kiran Patil but full name has not been given. How he got the name of the present applicant is not known. The injury certificate of the informant shows that there were five injuries on his person when he was examined on 08.03.2022. Nature of the injuries is not stated. It appears that identification parade has been conducted and the present applicant has been identified. The said identification parade appears to have been conducted on 09.04.2022. But thereafter again the statement has not been recorded under Section 161 of the Code of Criminal Procedure or supplementary statement has not been recorded explaining the act done by the present applicant. There are statements of witnesses also recorded, however, they are on the same line. No specific role as well as with name has been attributed to the applicant. Under such circumstance, with this kind of evidence he need not be kept behind the bars and, therefore, he deserves to be released on bail. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant viz. **Kiran Nandu Gotral**, who has been arrested in connection with Crime No.62/2022 dated 08.03.2022 by Waluj Police Station, Dist. Aurangabad for the offence punishable under Section 395, 364, 354, 324, 323, 504, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 Applicant shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.

4 He shall cooperate with the investigation and shall remain present before the Investigating Officer on every Tuesday and Friday, between 10.00 a.m. to 02.00 p.m., till further orders.

5 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)