

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

CRIMINAL APPLICATION (BA) NO.75 OF 2022

Raju s/o Gangaram Kare and others

Vs.

State of Maharashtra, Through its Police Station Officer, Janefal Police Station,
Dist. Buldhana

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

Court's or Judge's orders

Mr. S. G. Joshi, Advocate for applicants.

Mr. S. M. Ghodeswar, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 15/02/2022

The applicants is arrayed for the offence punishable under Sections 307, 324, 143, 147, 148, 149, 452 of the Indian Penal Code. Mr. Joshi, learned counsel for the applicants submits, that the applicants have been falsely implicated and the FIR itself, attributes the assault to one Pravin Shivnarayan Kare, considering which, the applicants are entitled for bail.

2. Mr. Ghodeswar, learned APP for non-applicant/State opposes the application and submits that specific role is attributed to the applicant no.2 - Pradip s/o Gangaram Kare and the applicant no.5 - Vilas s/o Atmaram Ghate of assaults by stick by the eyewitnesses namely, Usha Bhaurao Wakode, Bhaubao Devrao Wakode, Ajay Pandhari Napte and Sanjay Ramdas Kare. Faced with this position, Mr. Joshi, learned counsel for the applicants, on instructions, does not press the

application, insofar as the applicant no.2 - Pradeep s/o Gangaram Kare and applicant no.5 - Vilas Atmaram Ghate are concerned and seeks to withdraw the same. The statement is accepted.

3. The application is dismissed as withdrawn, as against the applicant nos.2 and 5.

4. In so far as the applicant nos.1, 3 and 4 are concerned, learned APP fairly submits, that in so far as these applicants are concerned, there are no specific allegations against them of assault, though they were present on spot, except for provocation, considering which, in view of the aforesaid statement, the application is accepted for applicant no.1 Raju s/o Gangaram Kare, applicant no.3 Ramkrushna s/o Pralhad Kare and applicant no.4 Purushottam s/o Dattu Ambhore, as the role attributed to them is only of provocation and being present on the spot. Hence, the following order.

ORDER

(i) The applicant no.1 - Raju s/o Gangaram Kare, applicant no.3 - Ramkrushna s/o Pralhad Kare and applicant no.4 - Purushottam s/o Dattu Ambhore, be released on bail for the offence punishable under Sections 307, 324, 143, 147, 148, 149, 452 of the Indian Penal Code on their executing their P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and two solvent sureties of like amount, each.

(ii) They shall not tamper with the evidence or try to influence the prosecution witnesses in any manner whatsoever.

(iii) They shall attend the concerned Police Station twice in every week i.e. on Monday and Thursday between 10.00 a.m. to 2.00 p.m. and shall co-operate with the investigation, till the filing of the charge-sheet.

(iv) They shall maintain a separate diary for recording appearance and shall not make any default, in which case, the bail shall cancelled.

The criminal application stands disposed of accordingly.

JUDGE

Sarkate