

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

CRIMINAL APPLICATION (B.A) NO. 176/2022
(Ramesh S/o Kundlik Satav Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S. D. Tatake, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM :- AVINASH G. GHAROTE, J.

DATED :- 10.03.2022

Heard.

2. Heard Mr. Tekade, learned counsel for the applicant, at the outset, seeks to replace Annexure A as the same is incomplete with the correct copy of the same which tendered across the bar, which is accepted and replacement be be carried out forthwith.

3. The applicant has been arrayed for offence under Sections 307, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code in Crime No. 5/2022. The incident is dated 05.01.2022 and the applicant has been arrested on 10.01.2022. The charge-sheet is yet to be filed.

4. Mr. Tatake, learned counsel for the applicant submits that there was quarrel between Ashok Kurhe and other persons on one side, and the applicant, his sons and relatives on the other side, on the account of lodging a

complaint on 02.01.2022 by said Ashok Kurhe against the applicant. In the melee which ensued the applicant is said to have assaulted Ashok Khure by Koita on his left hand and so also other persons have also assaulted Ashok Khurhe. There is a counter FIR filed by the applicant against Ashok Khurhe, his sons and relatives on 05.01.2022 itself at 12.43 p.m. in which FIR offences under the same provisions have been registered against the Ashok Khure and his relatives. He submits that all the accused in FIR No. 06/ 2022 filed by the applicant against the Ashok Khure have been released and so also, all the accused in FIR No. 05/2022 filed by Dewkabai Khure have also been released except the applicant. It is submitted that there was no intention on part of the applicant and the incident has happened due to sudden quarrel between the parties. He submits that the applicant be released on bail.

5. Learned APP opposes the application and contends that though all the accused in FIR No. 5/2022 and FIR No 6/2022 have been released on bail, however considering the nature of assault by the applicant and since the investigation is incomplete, the application needs to be rejected.

6. The incident has occurred on 5.1.2022 at about 07.00 a.m. in the monrning when the applicant, on account of earlier incident dated 02.1.2022 in which, upon demand by Ashok Kure from the applicant for

refund of the hand loan given to him, there was a quarrel. on 05.1.22 in the morning when the said Ashok Khure had gone for procuring milk near his house, the applicant along with his relatives is claimed to have accosted Ashok Khure in which there ensued a fight in which the applicant is said to have assaulted the said Ashok Khure by a Koita on left hand. All the accused in both the FIR, have been released, except present applicant which statement is made by the learned APP upon the instruction. Considering the nature of the assault which on the hand and the action attributed to the applicant, I do not see any reason to continue further incarceration of the applicant, however, in view of the fact that the investigation is still pending, the stringent condition will have to be imposed. Hence. Following order:-

(I). The application stands allowed and disposed of.

(II). The applicant Ramesh S/o Kundlik Satav, be released on in Crime No. 05/2022 for offence punishable under Sections 307, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code in Crime No. 5/2022 on his furnishing P. R. Bond of rupees one lakh with two solvent surety in the like amount.

(III). The applicant shall not tamper with the prosecution witnesses in any manner or try to influence them directly or indirectly.

(IV). The applicant shall not enter into the territorial jurisdiction of Police Station Shirpur, Tah. Risod, Dist. Washim till completion of trial, except on every Saturday between 12.00 noon to 04.00 p.m. for which time he will report to the concerned Police Station tilling filing of charge-sheet and shall cooperate with the prosecution.

(V) Upon the charge-sheet being filed, the applicant shall attend each and every date before the learned Sessions Court and shall ensure that the trial is not protracted on his count.

(VI) Any violation of any of the above condition shall result in cancellation of bail.

(AVINASH G. GHAROTE, J)

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