

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

CRIMINAL APPLICATION (BA) NO.355 OF 2022

Bhimrao s/o Gangaram Dhule

Vs.

State of Maharashtra, Through Police Station Officer, Police Station Phophali,
District Yavatmal

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

Court's or Judge's orders

Mr. P. R. Agrawal, Advocate for applicant.
Mr. A. R. Chutke, APP for non-applicant/State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 05/05/2022

Heard Mr. Agrawal, learned counsel for the applicant and Mr. Chutke, learned APP for non-applicant/State.

2. The applicant has been arraigned for the offence punishable under Sections 143, 147, 148, 149, 307, 436, 452 of the Indian Penal Code in Crime No.41/2022.

3. Mr. Agrawal, learned counsel for the applicant submits, that the applicant has been falsely implicated. There is no recovery and the applicant is willing to abide any conditions, which may be imposed.

4. Mr. Chutke, learned APP for non-applicant/State does not dispute that there is no recovery from the applicant and only two sticks have

been recovered from accused no.1 Samadhan and accused no.4 Golu. He submits, that the presence of the applicant on the spot is not disputed and the statement of Dnyaneshwar the son of the complainant and of Urmila the complainant indicate that there was an assault by them.

5. The incident is dated 20.02.2022 at about 10.00 p.m. in the night, when the accused nos.1 to 4 are claimed to have burnt the motorcycle of Vinayak on the allegation that his family was practising black magic. When Vinayak and Urmila came out their house, it is alleged that the accused nos.1, 4 and the applicant assaulted them with sticks. As a result of which, Urmila and Vinayak are claimed to have suffered injuries and some other accused have burnt the house of the complainant. On perusal of the case diary, there is no injury on Urmila, however, Vinayak has suffered two contused lacerated wound (CLW) on the head and one blunt trauma on the chest which is likely to have been caused by a stick. His statement is yet to be recorded. These sticks have been seized from the accused no.1 Samadhan and accused no.4 Golu. There is no seizure from the applicant and the statement of Urmila and Dnyaneshwar do not attribute any specific role of the applicant, considering which, a case for bail is made out. Hence, the following order.

ORDER

- (i) The application is allowed.
- (ii) The applicant be released on bail in Crime No.41 of 2022 registered with Police Station, Pophali, District Yavatmal for the offence punishable under Sections 143, 147, 148, 149, 307, 436, 452 of the Indian Penal Code, on furnishing PR. bond in the sum of Rs.75,000/- (Rupees Seventy Five Thousand only) with two solvent sureties of the like amount.
- (iii) The applicant shall not directly or indirectly make any attempt to influence the witnesses or otherwise tamper with the evidence.
- (iv) During the trial the applicant shall not enter the territorial jurisdiction of Tahsil Umarkhed considering the nature of allegation in the instant matter.
- (v) 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) Violation of any of the above conditions shall result in cancellation of bail.

JUDGE*Sarkate*