

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH, NAGPUR.****CRIMINAL APPLICATION (ABA) NO.434/2015**

**(Premsingh Ramji Chavhan ..vs.. The State of Maharashtra, through PSO P. S.
Darwha, Dist. Yavatmal)**

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

Court's or Judge's orders.

Mr. A. R. Chavhan, Advocate for applicant.
Mr. P. V. Bhoyar, A.P.P. for non applicant-State.
Mr. D. I. Jain, Advocate for intervenor.

CORAM : V. M. DESHPANDE, J.

DATE : SEPTEMBER 8, 2015.

Criminal Application No.995/2015

This is an application under Section 301 of the Cr.P.C. for grant of permission to assist the prosecution. The application is filed by the first informant in Crime No.156/2015, registered with Police Station Darwha, for an offence punishable under Sections 147, 148, 149, 323, 324, 294 of IPC and u/Sec.3 (1) (x) of SC & ST (Prevention of Atrocities) Act, 1989.

Looking to the nature of prayer made in the application, it is allowed. The intervenor is allowed to assist the prosecution and put forth his case before the Court.

Criminal Application (ABA) No.434/2015

Heard Mr. A. R. Chavhan, Advocate for applicant. Mr. P. V. Bhoyar, A.P.P. for non applicant-State. Mr. D.I. Jain, Advocate for intervenor.

The present application is filed for relief of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No.156/2015, registered with Police Station Darwha, for an offence punishable under Sections 147, 148, 149, 323, 324, 294 of IPC and u/Sec. 3 (1) (x) of SC & ST (Prevention of Atrocities) Act, 1989.

For the occurrence dated 26.09.2015, two counter reports are filed with Police Station Darwha. Crime No.156/2015 is lodged by the first informant Pran Kamble in which the present applicant is one of the accused. Whereas, Crime No.157/2015 is lodged by Prabhusingh Chavan in which the said Pran Kamble is one of the accused. On the basis of the FIR lodged by the present applicant, Crime No.157/2015 for an offence punishable under Sections 143, 147, 149, 323, 504 and 506 of IPC was registered with Police Station Darwha.

From perusal of both the FIRs, it is crystal clear that the dispute arose in view of the Gram Panchayat elections. Further, the investigation papers do not reflect that the abuses in the name of the caste were uttered by the present applicant in presence of any member of the general public. Looking to the said aspect and looking to the fact that due to Gram Panchayat elections, these two groups have filed

counter reports, possibility of false implication cannot be clearly ruled out.

In that view of the matter, the application of the applicant can be considered favourably. This leads me to pass the following order.

ORDER

(i) Criminal Application No.434/2015 is allowed.

(ii) In the event of arrest of applicant-Prem Singh Ramji Chavhan, in connection with Crime No.156/2015, registered with Police Station Darwaha, for an offence punishable under Sections 147, 148, 149, 323, 324, 294 of IPC and u/Sec. 3 (1) (x) of SC & ST (Prevention of Atrocities) Act, 1989, he shall be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one surety in the like amount.

(iii) The applicant shall attend Police Station Darwaha, Dist. Yavatmal once in a week i.e. on every Sunday between 3.00 p.m. to 5.00 p.m. till the charge-sheet is filed.

(iv) The applicant shall not extend any threats to the first informant nor shall tamper with the prosecution case.

JUDGE