

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 451 of 2015
[Kushal Ravi Agrawal & another Vs. State of Mah.]

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

Court's or Judge's orders

Mr. Avinash Gupta, Sr. Adv., with Mr. A.A. Gupta, Adv., for the Applicants.

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CORAM : V.M. DESHPANDE, J.

DATE : 15th September, 2015.

Heard Mr. A.V. Gupta, learned Sr. Adv., with Mr. A.A. Gupta, Adv., for the applicants and Mr. Bhoyar, learned APP for the State.

The applicants are apprehending their arrest in connection with Crime No. 81/2015 registered with Ramnagar Police Station, Gondia, for the offences under Sections 307, 143, 144, 147, 148, 149 and 294 of Indian Penal Code.

As per the prosecution, on 17th August, 2015, first informant Dilip Gopalani along with some of his friends were enjoying a dinner at A.P. Restaurant at Gondia. At the same time, the applicants along with co-accused were also having their dinner in the said hotel. From the First Information Report, it appears that on

some minor issue, the dispute arose between the two groups, resulting into an injury to one Rahul Lohana. According to the First Information Report, the Applicant No.1 - Kushal has given a blow which resulted into an injury to the lip of Rahul. Except this, there is no injury.

Looking to such nature of the injury, it is clear that the offence under Section 307, Indian Penal Code, at least, prima facie, cannot be pressed into service. Further, the applicant no.1 is a student. This Court has already released the other co-accused on bail. Further, it is reported that the other co-accused are already released on anticipatory bail by the Trial Court.

Looking to the nature of the injury, this Court is of the view that the custodial presence of the present applicants is not warranted. The applicants can be directed to attend the Police Station to join the investigation. That leads me to pass the following order:-

ORDER

- [a]** Criminal Application [ABA] No. 451 of 2015 is allowed.
- [b]** The Applicants - [1] Kushal Ravi Agrawal, and [2] Rahul Ravi Agrawal be released on bail in the event of their arrest in connection with Crime No. 81/2015 registered with

Ramnagar Police Station, Gondia, for the offences under Sections 307, 143, 144, 147, 148, 149 and 294 of Indian Penal Code, on their executing a Personal Bond of Rs. 25,000/- [rupees twenty-five thousand only] each with one solvent surety each in the like amount.

- [c]** That, the Applicants shall attend the Ramnagar Police Station, Gondia, twice a week, preferably on every Sunday and every Wednesday between 3.00 p.m., and 5.00 p.m., till the charge-sheet is filed.

Judge

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