

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

CRIMINAL APPLICATION (ABA) NO.472 OF 2015

Dilip S/o Charandasji Gaikwad and anr

..vs..

State of Mah., thr PSO PS Katol, Nagpur

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

Court's or Judge's Order

Shri Y.V. Nayyar, counsel for the applicants.

Shri V.A. Thakre, Addl. P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 5, 2015.

Heard.

By the present application under Section 438 of the Code of Criminal Procedure, the applicants are seeking the relief of pre-arrest bail, since the applicants are apprehending their arrest in connection with Crime No.161 of 2015 registered with Police Station Katol, District Nagpur for the offences punishable under Sections 143, 147, 148, 324, 326 read with Section 34 of the Indian Penal Code.

Learned counsel for the applicants submits that for the same incident applicant No.1 has also filed FIR bearing Crime No.160 off 2015 and in that first informant – Ganesh Chauhan, in FIR bearing Crime No.161 of 2015 in which the present applicants are claiming bail, is an accused and already released on bail. Therefore, learned counsel for the applicants submits that the present applicants be

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released on anticipatory bail.

Learned Additional Public Prosecutor for the State makes available to me injury certificates of injured Kantabai, Rupesh, and Ganesh who is first informant. The injuries suffered by Kantabai are grievous in nature and also she suffered a stab wound. Further, learned Additional Public Prosecutor points out that applicant No.1 is having long criminal record right from year 2004. Merely because Ganesh Chauhan is already released on bail, that cannot be a reason for granting the relief of anticipatory bail in favour of the present applicants. The custodial presence of the present applicants is essential for being recovered deadly weapons used in assault upon injured and first informant.

Learned counsel for the applicants submitted that due to civil dispute, they are implicated in crime. The same cannot be considered at this stage. Further, looking to the fact that applicant No.1 is having long criminal record right from year 2004, the application for grant of anticipatory bail is rejected.

Interim relief granted by this Court on 11.9.2015 stands vacated.

JUDGE

!! BRW !!

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