

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

CRIMINAL APPLICATION (ABA) NO.542 OF 2015

Gopichand S/o Kavdu Chawhan and anr

..vs..

The State of Maharashtra, thr PSO Mukutban, District

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

Court's or Judge's Order

Shri Abhay Sambre, counsel for the applicants.
Shri A.K. Bangadkar, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : OCTOBER 28, 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.34 of 2015 registered with Police Station Mukutban, District Yavatmal for the offences punishable under Sections 143, 149, 302, 328, 352, 506 of the Indian Penal Code.

Deceased is Ravin Chawhan. He is close relative of the present applicants. The applicants are having their own agricultural lands just adjacent to the land belong to the family of the deceased.

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The FIR is lodged, at the instance of wife of the deceased Smt. Asmita Ravin Chawhan, on 14.5.2015. According to the said FIR, on the day of the incident i.e. 13.5.2015 at about 6:30 am, the present applicants along with their sons came to the house of the deceased and picked up quarrel in regard to boundary mark of the agricultural field and in that quarrel deceased Ravin was assaulted by fist and blows. It is further the statement in the FIR that present applicant No.1, thereafter, proceeded towards the agricultural field along with his family followed by deceased and his wife. According to the FIR, in the agricultural field also, deceased Ravin again was assaulted by the applicants and their sons. The applicants caught hold the deceased and, thereafter, co-accused Nikhil Chawhan administered poison to the deceased. The role against co-accused and other sons of the applicants that they also caught hold the deceased. It is brought to the notice of this Court that three co-accused viz. three sons of the present applicants were arrested by the investigating agency. However, they were released on bail since the investigating officer could not complete the

investigation. It is also seen from the investigating papers produced by the investigating officer that the bottle containing poison substance is already seized at the behest of released co-accused Nikhil.

In view of above, I am of the view that the applicants can be protected by the relief of anticipatory bail. That leads me to pass the following order :

ORDER

1] The criminal application for grant of anticipatory bail is allowed.

2] In the event of arrest of the applicants in connection with Crime No.34 of 2015 registered with Police Station Mukutban, District Yavatmal for the offences punishable under Sections 143, 149, 302, 328, 352, 506 of the Indian Penal Code, applicants Gopichand S/o Kavdu Chawhan and Mirabai W/o Gopichand Chawhan be released on bail on their executing Personal Bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one solvent

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surety each in the like amount.

3] Applicant No.1 shall attend the concerned police station once in a fortnight and preferably on first and third Sunday of every month between 3:00 pm to to 5:00 pm., till filing of the charge-sheet.

4] The applicants are prohibited from extending any threat whatsoever in nature to the prosecution witnesses.

With these directions and observations, the criminal application is allowed and disposed in aforesaid terms.

JUDGE

!! BRW !!

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