

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

CRIMINAL APPLICATION (ABA) NO.168/2016

Hasan Chhattu Nimsurwale and another

..Versus..

State of Maharashtra, through Police Station Officer, Police Station, Karanja City,
Distt. Washim

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 22.4.2016

Heard Shri P.W. Mirza, advocate for the applicants and Shri N.B. Jawade, A.P.P. for the non-applicant.

The applicants are seeking pre-arrest bail in crime registered against them for the offence punishable under Sections 307, 341 and 34 of the Indian Penal Code.

According to the non-applicant, the applicants have assaulted victim because of which he suffered injury on his head. The application is opposed on the ground that the applicant no.1 was booked for commission of two crimes earlier. The learned advocate for the applicant has pointed out the judgments passed in the earlier prosecutions acquitting the applicant no.1.

The learned A.P.P. has pointed that the medical report shows that the injury suffered by the victim is simple.

The learned advocate for the applicant has further pointed out that the incident occurred because of sudden dispute between two groups and Hasan Khanu Garve and Khannu Hasan Garve and another who belonged to other group are already released on bail

by this Court.

Considering the nature of incident, accusations against the applicants and the fact that the non-applicant has not been able to show that custody of applicants is required for further investigation, in my view, the interim order granted on 18th March, 2016 is required to be confirmed.

Hence, the following order:

- (i) In the event of arrest in Crime No.28/2016 registered by the non-applicant, the applicants be released on bail on furnishing P.R. bond for Rs.25,000/- (Rs. Twenty Five Thousand Only) each and one solvent surety in the like amount for each of the applicant.
- (ii) The application is **allowed** in the above terms.

JUDGE

Tambaskar.