

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

CRIMINAL APPLICATION (ABA) NO.176 OF 2016

(Fakira s/o Sitaram Jadhav ..vs.. State of Maharashtra, through PSO, Manora, District 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.

DATED : 29-04-2016

Heard Shri A.M. Jaltare, Advocate for the applicant and Shri S.M. Bhagde, Additional Public Prosecutor for the non-applicant.

2. The applicant apprehends arrest in crime registered against him for offence punishable under Sections 302, 307, 147, 148, 149, 120-B of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

3. According to the prosecution, the crime is registered on the complaint of Nirmala Chauhan that about twenty persons (including the applicant) assaulted her sons Avinash and Mukesh and her husband Devidas. Avinash succumbed to the injuries and Devidas and Mukesh were required to be hospitalized for more than twenty days.

4. The application is opposed on the ground that there are eyewitnesses who have stated that the applicant participated in the assault.

5. The applicant claims to be aged about 86 years, however, according to the non-applicant, the age of the applicant might be around 74 years.

6. The charge-sheet is filed on 16-06-2014. The investigation is complete. The non-applicant has not been able to show that custody of the applicant is required for further investigation.

Considering the nature of accusations against the applicant and the facts on record, in my view, the order granting interim protection is required to be confirmed.

7. Hence, the following order :

- i) In the event of arrest in Crime No.38/2014 registered by the non-applicant, the applicant be released on bail, on furnishing P.R. Bond for Rs.25,000/- and two solvent sureties in the like amount.
- ii) The application is allowed in the above terms.

JUDGE