

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

CRIMINAL APPLICATION (ABA) NO.318 OF 2016

(Gopal Vishwasrao Sarnaik Vs. The State of Maharashtra)

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

Court's or Judge's orders

Shri R. N. Ghuge, Advocate for the applicant.
Shri S. J. Kadu, A.P.P. for the State.

CORAM : S. B. SHUKRE, J.

DATED : 24 JUNE, 2016

Heard learned Counsel for the applicant and learned A.P.P. for the State. Perused the first information report and the reply of the prosecution.

Although the reply does not say anything about what Dr. Raju Deshmukh has stated, on perusal of the case diary, at the request of the learned Counsel for the applicant, I find that the learned Counsel for the applicant is right in submitting that out of some grudge, the complainant appears to have made some allegations against the applicant, the genuineness of which is in doubt. In the FIR, name of Dr. Raju Deshmukh has been specifically mentioned and it has also been stated that he heard clamor

generated by the incident and hearing that clamor, he came out of the house and intervened in the quarrel that took place between the complainant on the one hand and this applicant on the other. However, Dr. Raju Deshmukh has stated that nothing of that sort occurred. He has also stated that till 9.30 p.m. of 25/4/2016 no quarrel as alleged by the complainant occurred.

Any way, whatever might be the truth, the fact remains that there is a doubt about the allegation made in the FIR, which is lodged belatedly, or to be precise, after the gap of two days after the incident. So, this is a case, wherein, it cannot be said that prima facie case is made out against the applicant for the offences alleged against him. Therefore, the applicant deserves to be granted relief of anticipatory bail.

The application is accordingly allowed.

The anticipatory bail granted to the applicant by this Court on 13/5/2016 is hereby confirmed on the same conditions.

JUDGE