

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

Criminal Application (ABA) No. 197 of 2017

Bandu v. 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 M. I. Dhatriak, Adv for applicant
Shri V. P. Maldhure, APP for respondents

Coram : S. B. Shukre, J

Dated : April 21, 2017

Heard learned counsel for the applicant and learned Additional Public Prosecutor for the respondents. Reply filed by the learned APP is taken on record.

According to learned counsel for the applicant, the complaint filed by this applicant against the complainant being Crime no. 19/2017 is prior in point of time and in respect of same incident in which the complainant in the present crime had first quarreled with the applicant and others and injured them by assaulting them.

Learned Additional Public Prosecutor submits that even the complainant in the present crime has sustained injuries and, therefore, he opposes the application.

On going through the First Information Report filed by this applicant on the basis of which crime no. 19/17 has been registered against the complainant in the present crime, I find that the allegations are of such nature as would indicate that not only the complainant in the present crime, but this applicant and others had exchanged some blows with each other, thereby causing injuries to each other. The complainant in the present crime, it appears, suffered lesser injury than the applicant in the quarrel. In these

circumstances, it would be difficult to make any prima facie finding about who was the aggressor and who was not. In any case, custodial interrogation of the applicant does not seem to be necessary as nothing is required to be seized from him. I am, therefore, inclined to grant pre-arrest bail to the applicant.

Interim bail granted to the applicant vide order dated 30.3.2017 is hereby confirmed on the same conditions. In addition, applicant shall attend Police Station between 10.00 am and 12.00 noon on every Sunday till charge-sheet is filed.

Application is disposed of.

JUDGE

joshi