

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

**Criminal Application (BA) No. 393 of 2017**

Bharat and ors 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 Anil Mardikar, Sr. Advocate for applicants  
Shri A. M. Kadukar, Addl. PP for respondent  
-----

**Coram : S. B. Shukre, J**

**Dated : May 3, 2017**

Heard Shri Anil Mardikar, learned Senior Advocate for applicants and Shri A. M. Kadukar, learned Additional Public Prosecutor for respondent-State. Learned APP states that the reply of prosecution is ready. Leave is granted to the learned APP to file the reply during the course of the day. I have gone through the case diary.

It appears that the incident in which various offences relating to rioting, snatching away of certain valuable articles with dishonest intention and obstructing the Government staff in performing official duty occurred when operation for removal of encroachment by officials of Municipal Council, Gondia was underway. It is alleged that as the staff members of the Municipal Council, Gondia reached the market area where there were several encroachments which were ordered to be removed under police protection, a mob of about 10-15 persons gathered and they allegedly caused obstruction to the said operation. The result was, there was chaos and allegations and counter-allegations by both the parties against each other were traded. In these circumstances, it becomes difficult to pinpoint role particularly played by each of the applicants. That

apart, all the applicants were arrested on 7<sup>th</sup> April 2017 and were remanded to police custody till 15.4.2017, Thereafter all the applicants were remanded to magisterial custody. The Sessions Court has rejected the application of these applicants filed under Section 439 Cr. P. C. on the ground that recovery of memory chip was still to be effected. Learned Additional Public Prosecutor states that memory chip was recovered from one of the co-accused by name Ravi. In any case, now custody of the applicants is not required. In these circumstances, I find that the applicants can be released on regular bail.

Application is allowed and the interim bail granted to the applicants vide order dated 21<sup>st</sup> April 2017 is hereby confirmed on the same conditions with the addition of the condition that all the applicants shall attend Police Station, Gondia City on every Sunday between 10.00 am and 12.00 noon till charge-sheet is filed. Application is disposed of.

**JUDGE**

*joshi*