

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

CRI. APPLICATION (ABA) NO. 292 OF 2017

(GANESH DEORAO MAPARI...VS.. STATE OF MAH.THR.P.S.O., WASHIM)

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

Court's or Judge's orders

Shri S.D.Chande, Advocate for Applicant.
Shri A.D.Sonak, A.P.P. for Non-applicant.
Shri N.B.Kalwaghe, Advocate for Complainant.

CORAM : Z.A.HAQ, J.

DATED : JULY 06, 2017.

CRI.APPLN.(APPP) NO.802/2017.

Heard.

Considering the facts of the case, the complainant-Deorao Rajaram Mapari is permitted to assist the prosecution.

The criminal application is **allowed**.

CRI.APPLN.(ABA) NO.292/2017.

Heard.

The applicant, apprehending arrest in connection with crime registered against him and his mother for the offence punishable under Sections 326, 504 and 34 of the Indian Penal Code, has sought pre-arrest bail. The crime is registered on the complaint lodged by father of the applicant that the applicant has assaulted him by an axe causing grievous injury over his head because of which he was required to be hospitalized and was in I.C.U. and was discharged after about 27 days.

The facts on record show that there is some property dispute between the applicant and his father (complainant). The applicant claims that he is the only son of the complainant. The applicant, aged about 24 years, claims to be an agriculturist and the learned advocate for the applicant has made a specific statement that the applicant is not involved in any other crime/ offence.

This Court has passed order on 3rd May, 2017 granting protection to the applicant imposing certain conditions of attendance at the Police Station. Though it is submitted that after the complainant was discharged from the hospital, again the applicant attempted to assault him, the Investigating Agency has not been able to point out that custody of the applicant is required for further investigation.

Considering the facts of the case, following order is passed.

In the event of arrest in connection with Crime No.72 of 2017 registered by the non-applicant, the applicant be released on bail on executing P.R. Bond for Rs.Twenty Five Thousand and furnishing one solvent surety in the like amount.

The applicant shall not enter village Somthana, Tahsil : Malegaon, District : Washim, without seeking prior permission of the trial Court, till the trial concludes, however, since the applicant claims to be an agriculturist, he is permitted to go to his field for carrying out agricultural and allied operations.

The application is **allowed** in the above terms.

JUDGE