

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

CRI. APPLICATION (ABA) NO. 379 OF 2017

(PRALHAD @ BALU RAMRAO WAGH & ANR...VS.. STATE OF MAH. THR. P.S.O. TELHARA, DIST.
 AKOLA)

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

Court's or Judge's orders

Shri Anil S. Mardikar, Sr.Adv. a/b.Shri A.M.Tirukh, Advocate for
 Applicants.
 Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JULY 03, 2017.

Heard.

Apprehending arrest in connection with crime registered against the applicants and co-accused Dnyaneshwar for the offence punishable under Sections 307 and 34 of the Indian Penal Code, the applicants seek pre-arrest bail.

It is submitted on behalf of the applicants that even according to the Investigating Agency, the incident occurred on the spur of moment because of some dispute regarding digging of pit over Dhura and any weapon is not used by the applicants but sticks and iron pipe which were found on the spot were used in the assault which shows that it is not pre-meditated crime. The applicants relied on the order passed by this Court in Criminal Application (BA) No. 498 of 2017 on 9th June, 2017 directing the non-applicant to release co-accused Dnyaneshwar on bail. It is submitted that according to the Investigating Agency, the applicants

assaulted Parbat who has not suffered any grievous injury and grievous injuries are suffered by Pawan who was assaulted by co-accused Dnyaneshwar, who is released on bail.

The application is opposed on the ground that even Parbat suffered grievous injuries and both Pawan and Parbat were hospitalized for about 3 weeks initially in Government Hospital Telhara and then on advice of the doctors at that hospital they were taken to Government Hospital, Akola by ambulance.

The application is opposed on the ground that custodial interrogation of the applicants is necessary for further investigation.

Though co-accused Dnyaneshwar is released on bail as per the orders passed by this Court, I am not convinced that the prayer made by the applicants for directing their release by granting pre-arrest bail requires consideration.

The application is **dismissed**.

The applicants have enjoyed protection granted by order passed by this Court on 8th June, 2017. The applicants shall surrender within two weeks, failing which note of their conduct should be taken at various stages of the proceedings.

JUDGE