

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

CRIMINAL APPLICATION (ABA) NO.402/2017

Satyam Ramesh Meshram and another

..Vs..

State of Maharashtra through Police Station Officer, Police Station
Pandharkawda, Distt. Yavatmal

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

Court's or Judge's orders

Shri Mir Nagman Ali, Adv. for the applicants.
Shri N.R. Patil, A.P.P. for the respondent / State.

CORAM : Z.A.HAQ, J.

DATE : 14.6.2017.

Heard.

The applicants, apprehending arrest in crime registered against them and another person for the offence punishable under Sections 353, 332, 504 and 506 read with Section 34 of the Indian Penal Code, have sought pre-arrest bail. The crime is registered on the complaint lodged by Forest Guard that when he was on round he noticed that three persons (accused) had entered into prohibited area of the forest and were consuming liquor and when the Forest Guard asked them to leave the place, they assaulted the Forest Guard.

The learned Advocate for the applicants has submitted that in addition to the crime registered by the non-applicant separate crime is registered against the accused under the provisions of Forest Act read with provisions of Indian Penal Code and the applicants are granted pre-arrest bail in that offence and, therefore, the applicants are entitled for pre-arrest bail in the crime /

offence registered by the non-applicant.

The applicant No.1 aged about 24 years claims to be a student and has stated that he is not involved in any other crime / offence. Considering the nature of accusations against the applicant No.1 and the above facts, I am of the view that the applicant No.1 is entitled for pre-arrest bail.

As far as the applicant No.2 is concerned, it is undisputed that earlier also crime for offence punishable under Section 353 of the Indian Penal Code is registered against him and the prosecution is pending. Considering the nature of accusations against the applicant No.2 and the fact that he is being prosecuted for the offence punishable under Section 353 of the Indian Penal Code, I am not inclined to grant pre-arrest bail to the applicant No.2.

Hence, the following order:

- (i) In the event of arrest in Crime No.376/2017 registered by the non-applicant, the applicant No.1 be released on bail on furnishing P.R. bond for Rs.10,000/- (Rs. Ten Thousand) and one solvent surety in the like amount.
- (ii) The prayer for grant of pre-arrest bail made on behalf of the applicant No.2 is rejected.
- (iii) The application is disposed in the above terms.

JUDGE