

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

CRIMINAL APPLICATION (BA) NO. 712 OF 2017

(RAJENDRA S/O SURAJBALI MOURYA...VS...STATE OF MAH. THR. P.S.O. PS GANESHPETH,
NAGPUR. DIST. NAGPUR)

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

Court's or Judge's orders

Shri M. P. Lala, Advocate for Applicant.
Shri N. R. Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : 1st AUGUST, 2017.

Heard.

The applicant is arrested on 7th June, 2017 in connection with Crime No.142 of 2017 registered by the non-applicant against the applicant, his wife, his brother, his brother's wife and his son for offence punishable under Sections 302, 143, 148, 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

According to the Investigating Agency, the accused assaulted his neighbour by fists and kicks and co-accused Sapna assaulted the victim by iron frying instrument (sarata). The facts on record show that the incident is out come of dispute over accumulation of waste water of hand-pump.

It is pointed out that earlier crime was registered against the applicant for offence punishable under Section 326 of the Indian Penal Code, however, after trial he is acquitted.

Co-accused Sapna and Smt. Maya are released on bail as per the order passed by this Court. Co-accused Ashok (younger brother of the applicant) is released on bail as per the order passed by the Sessions Court.

The applicant is in jail for more than 8 weeks. The non-applicant has not been able to show that further custody of the applicant is required for investigation.

In the facts of the case, the following order is passed :

The applicant having been arrested in connection with Crime No.142 of 2017 registered by the non-applicant, he be released on bail on executing P. R. Bond for Rs.25,000/- and furnishing two solvent sureties in the like amount.

The applicant shall not enter the area of Bajeria, Nagpur till 30th June, 2018.

The applicant shall attend the trial before the Sessions Court regularly on every date unless granted exemption by the Sessions Court.

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

JUDGE