

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

CRI. APPLICATION (ABA) NO. 568 OF 2017

(SHIV KUMAR PREM SWAMI & ANR....VS.. STATE OF MAH.THR.P.S.O., KANHAN PIPRI, 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 R.S.Renu, Advocate for Applicant.
Shri Neeraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.
DATED : AUGUST 03, 2017.

Heard.

The applicants had filed Misc. Criminal Application No.1494 of 2017 before the Sessions Court, seeking pre-arrest bail apprehending arrest in connection with Crime No.134 of 2017 for the offences punishable under Sections 324, 326 read with Section 34 of the Indian Penal Code. This application was dismissed by order passed on 22nd June, 2017. The applicants had filed Criminal Application (ABA) No. 470 of 2017 before this Court seeking pre-arrest bail. At the time of hearing on the application, the learned advocate for the applicants noticed that there were some inadvertent mistakes in the application and some relevant details were not given and therefore, the application was withdrawn with liberty to file fresh application.

The applicants had filed Criminal Application (ABA) No. 549 of 2017. At the time of hearing of this

application, the learned A.P.P. raised objection that Crime No.103 of 2017 is registered against the applicants and not Crime No.134 of 2017 and the applicants have not approached the Sessions Court seeking pre-arrest bail apprehending arrest in connection with Crime No.103 of 2017. In view of the objection raised on behalf of the State, the application was disposed as withdrawn with liberty to the applicants to approach the Sessions Court. The applicants again approached the Sessions Court by filing Misc. Criminal Application No. 1945 of 2017 which is dismissed on 2nd August, 2017, one of the considerations being that earlier application filed by the applicants is dismissed and there is no change in the circumstances.

The accusations against the applicants are that in a dispute which erupted during the course of conducting business and attracting the customers, altercations took place between the applicants and the complainant, and the applicants assaulted the complainant with iron bucket.

Though the application is opposed on the ground that custodial interrogation of the applicant is required, in the facts of the case, it cannot be said that custody of the applicants is necessary. The applicants, aged about 34 and 33 years (real brothers) claim to be businessmen and have stated that they are not involved in any other crime/ offence. The applicants are permanent residents on the address given in the cause title of the application.

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

In the event of arrest in connection with Crime No.103 of 2017, registered by the non-applicant, the applicants be released on bail on executing P.R. Bond for Rs.Twenty Thousand each.

The application is **allowed** accordingly.

JUDGE

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