

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

CRIMINAL APPLICATION (ABA) NO.618/2017

Bhalla @ Pavan Naresh Murai ..vs.. State of Maharashtra thr. PSO P.S.
Telhara, Tq. 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.

Mr. A. B. Mirza, Advocate for applicant.
Mr. R. S. Nayak, A.P.P. for non applicant.

CORAM : V.M. DESHPANDE, J.
DATED : AUGUST 29, 2017

The applicant is apprehending his arrest in connection with Crime No.174/2017 for an offence punishable under Section 395 of the Indian Penal Code registered with Police Station, Telhara, Dist. Akola.

The application is strongly opposed by Mr.Nayak, learned A.P.P. for the State. He also submits that the investigation is in progress and if the anticipatory bail is granted in favour of the applicant, he would cause hindrance in the investigation.

The learned counsel for the applicant submits that the applicant is a student taking education in B.Sc. Part-I and he is falsely implicated in the present crime. He submits that no role is attributed against the present applicant as it could be seen from the applicant.

The FIR is lodged by Ravindra Raut, a newspaper reporter of daily newspaper "City News" at Telhara. The FIR states that before about 3-4 months of

occurrence of the incident, a news was published in the newspaper of the complainant in respect of eve teasing that was occurring in Telhara city. Therefore, the applicant and other co-accused were nourishing a grudge in their minds against the present complainant. According to the FIR on 08.08.2017 when the applicant had been to a shop by name Navdurga Bikaner for collecting daily deposit from the said shop, the accused persons assaulted on him and snatched away Rs.4,000/- from him.

The written report which was given to Police Station Officer, Telhara is dated 18.08.2017 and in the said report, name of the present applicant is at serial no.4. Perusal of the FIR shows that the first informant was assaulted by kicks by Prashant and Akash. No role is attributed against the present applicant in respect of giving kicks or fist blows.

The learned A.P.P. has made available to this Court the investigation papers. It contains statements recorded during the course of investigation of Bhairavsingh Rajpurohit owner of Navdurga Bikaner whereat the incident had occurred. Perusal of the statement shows that though he corroborated the version of the first informant about the assault by the co accused his statement is totally silent about snatching away Rs.4,000/- from the first informant as stated in the FIR. Further, the statement of other witnesses though confirm the assault, are silent about snatching of Rs.4,000/-

In that view of the matter, I see no reason not to grant the discretionary relief in favour of the present applicant. Hence, following order is passed.

ORDER

- (i) Criminal Application No.618/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.174/2017 for an offence punishable under Section 395 of the Indian Penal Code registered with Police Station, Telhara, Dist. Akola, applicant-Bhalla @ Pavan Naresh Murai be released on bail on he executing P.R. Bond in the sum of Rs.5,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Telhara, daily in between 2.00 p.m. to 3.00 p.m. till the charge-sheet is filed.

JUDGE