

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Criminal Application [ABA] No. 732 of 2017**  
**[Vijay @ Chotu Bhaurao Deshmukh & two others Vs. State of**  
**Mah., Borgaon Manju PS, Distt. Akola]**

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

**Court's or Judge's orders**

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Mr. A. R. Patil, Adv., for the applicants.  
Ms. Geeta Tiwari, APP for non-applicant.

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**CORAM : A. S. CHANDURKAR, J.**

**DATE : 23rd November, 2017**

The applicants apprehend their arrest in connection with Crime No. 327 of 2017 registered at Borgaon Manju Police Station, Distt. Akola, for the offences punishable under Sections 123, 147, 148, 427, and 307 of Indian Penal Code, read with Sections 4 and 25 of the Arms Act.

As per the report dated 20th September, 2017, while the drive for removing encroachment was

undertaken, there was a clash between two groups of the village. The present report which is Crime No. 327/17 came to be lodged and shortly thereafter, Crime No. 328/17 involving the same incident came to be recorded. In the report, it is stated that about fifteen to twenty persons with sticks and axes had attacked the other group.

It is submitted on behalf of the applicants that all the applicants have been implicated without any justifiable reason. The incident in question is alleged to have occurred when the encroachment was sought to be removed and there was an obstruction. The alleged injuries said to be inflicted by the applicants are not serious in nature and, therefore, custodial interrogation of the applicants is not necessary.

The application is opposed by the learned Addl. Public Prosecutor by filing reply. It is stated that investigation is not yet complete and if protection is granted to the applicants, there is likelihood of a similar incident taking place.

Perused the report as well as counter-report along with reply.

The injuries sustained by the persons mentioned in the report are not grievous injuries. Same are simple in nature. The applicants after the interim order was

passed have co-operated with the investigation. Considering the fact that the incident has occurred during the course of removal of encroachment, the applicants can be directed to co-operate with the investigation.

Accordingly in the event of arrest of the applicants in connection with Crime No. 327 of 2017 registered at Borgaon Manju Police Station, Distt. Akola, for the offences punishable under Sections 123, 147, 148, 427, and 307 of Indian Penal Code, read with Sections 4 and 25 of the Arms Act, they shall be released on bail on furnishing a Personal Bond of Rs.15,000-00 [rupees fifteen thousand only] each with one surety each in the like amount. They shall attend the concerned Police Station as and when directed. No steps be taken to influence the prosecution witnesses.

Observations made in this order are only for deciding this application which is allowed and disposed of.

**Judge**