

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [ABA] No. 747 of 2017
[Ramsingh Bansigopal Chandel & another Vs. State of Mah,
Gadgenagar PS, Amravati]

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

Court's or Judge's orders

Mr. M. D. Chikhale, Adv., for the applicants.
Ms. Geeta Tiwari, APP for non-applicant.

CORAM : A. S. CHANDURKAR, J.

DATE : 31st October, 2017

The applicants apprehend their arrest in connection with Crime No. 682/2017 registered at Gadgenagar Police Station, Amravati, for the offences punishable under Sections 353, 332, 336, 504 and 427 read with Section 34 of Indian Penal Code and Sections 117 and 112 of the Bombay Police.

As per the report dated 28th September, 2017, during the course of patrolling, it was noticed that about four persons under the influence of liquor were creating commotion resulting in breach of peace and tranquility. It was noticed that said four persons out of whom Applicant No.1 was identified by the informant - Police Constable - started throwing stones on the informant and his colleagues. The informant suffered injuries on his face resulting in bleeding. On that basis, the

aforesaid report came to be lodged.

It is submitted on behalf of the applicants that they have been falsely implicated. They were not present at the site of the incident and without any basis, the aforesaid report had been lodged. It is further submitted that the applicant no.2 is a student and he is entitled for due protection.

The application is opposed by the learned APP by relying upon the reply as well as police papers. It is submitted that statements of independent witnesses indicate occurrence of the incident. The Medical Certificate reveals injuries on the informant. Hence, it is submitted that the application deserves to be rejected.

Perused the First Information Report as well as police papers.

In so far as applicant no.1 is concerned, he was identified by the informant as he was a social worker. The medical report indicates injuries suffered by the informant as a result of pelting of stones. The statement of one Narayan also indicates occurrence of the aforesaid incident. However, in so far as applicant no.2 is concerned, he has not been identified by the concerned witnesses nor by the informant.

In view of aforesaid, I find that while applicant

no.1 is not entitled for protection, applicant no.2 has made out a case for grant of protection. Hence the application stands rejected in so far as Applicant no.1 is concerned. In so far as applicant no.2 is concerned, in case of his arrest in connection with Crime No. 682/2017 registered at Gadgenagar Police Station, Amravati, for the offences punishable under Sections 353, 332, 336, 504 and 427 read with Section 34 of Indian Penal Code and Sections 117 and 112 of the Bombay Police Act, he is directed to be released on bail on furnishing a Personal Bond of Rs.15,000/- [rupees fifteen thousand only] and one surety in the like amount. He shall attend the concerned Police Station on 8th November, 2017 between 11.00 a.m., and 1.00 p.m. No steps be taken to influence the prosecution witnesses.

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

Judge