

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

CRIMINAL APPLICATION (ABA) NO.766 OF 2017

Govinda s/o Satish Solanke (Deshmukh), Village Kanazara, Tah. Mangrulpir, Dist. Washim

-vs-

State of Maharashtra, Thr. PSO, PS Mangrulpir, Dist. Washim

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

Court's or Judge's Orders.

Shri A. M. Jaltare, Advocate for applicant.

Shri S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 10, 2017

Heard.

The applicant apprehends his arrest in connection with Crime No.299/2017 registered with Police Station Mangrulpir, Dist. Washim for the offence punishable under Sections 143, 147, 148, 149, 307, 232, 504, 506 of the Indian Penal Code read with Section 135 of Maharashtra Police Act.

As per the First Information Report No.298/2017 lodged at 7.51 am on 09/09/2017 the informant Ashok Ingole has referred to a scuffle between two groups on the previous night between 9 pm to 9.30 pm.

As per the First Information Report No.299/2017 lodged at 1.41 pm one Namdeo Gawande who was shown as accused in the earlier offence has lodged report with regard to the same incident. As per this report, the present applicant is stated to have assaulted the informant with an iron rod on his head.

It is submitted on behalf of the applicant that the subsequent report has been lodged merely with a view to counter the earlier report. Though according to the informant he was hit by an iron rod on the previous night, this report has been lodged in the next afternoon. Nature of injuries on the informant do not appear to be of such nature to attract offence under Section 307 of the Penal Code. It is thus submitted that the applicant is entitled for protection.

The application is opposed by the learned Additional Public Prosecutor by relying upon the reply. It is submitted that injuries on one Pandurang Dhawale and Vinod Toncher were of serious nature. However as the iron rod alleged to be used by the present applicant is to be seized, the applicant is not entitled for protection.

Perused both the reports. The dispute appears to be an outcome of a clash between two groups. In so far as present applicant is concerned, it is alleged that he had assaulted the informant Namdeo Gawande with an iron rod. The investigation does not refer to any medical papers to indicate nature of injuries on the head of the informant. His statement has been recorded immediately on the next day after finding him fit for giving such statement. Considering the material on record and in the backdrop of earlier report being lodged against the informant, the applicant is entitled for protection.

Hence in the event of applicants arrest in connection with Crime No.299/2017 registered with Police Station

Mangrulpir, Dist. Washim for the offence punishable under Sections 143, 147, 148, 149, 307, 232, 504, 506 of the Indian Penal Code read with Section 135 of Maharashtra Police Act, he is directed to be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount.

The applicant shall attend the concerned police station on 22/11/2017 between 11 am and 1 pm and thereafter as per the directions of the Investigating Officer.

The applicant shall not take any steps to influence the prosecution witnesses.

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

JUDGE