

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

CRIMINAL APPLICATION (ABA) NO.775 OF 2017

1. Pratik Rajendrakumar Sharma, Renuka Nagar, Dabki Road, Akola
2. Sagar Ganesh Sahu, Hariharpeth, Near Town School Old City, Akola

-VS-

State of Maharashtra, Thr. PSO, PS Old City, Dist. Akola

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

Court's or Judge's Orders.

Shri V. R. Deshpande, Advocate for applicants.
Shri S. M. Ghodeswar, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 10, 2017

Heard.

The applicants apprehend their arrest in connection with Crime No.227/2017 registered with Police Station Old City, Akola, for the offence punishable under Sections 143, 147, 149, 307 and 506 of the Indian Penal Code seek their release on bail.

As per the First Information Report dated 23/08/2017, on the previous day the informant has stated that the applicants along with others had come near house of the informant and with regard to an earlier dispute, he had assaulted him. The applicant No.1 was present at the spot. The applicant No.2 is stated to have assaulted the informant with an iron rod on his head. On this basis an offence came to be registered.

It is submitted on behalf of the applicants that the applicants are studying and the alleged incident as reported has been blown out of proportion by the informant. It is submitted that though the informant was admitted for medical treatment, he was discharged on the next day. It is therefore submitted that the applicants be granted protection as they are willing to co-operate with the investigation.

Reply is filed on behalf of the non-applicant/State and it is stated that statements of witnesses indicate overt act on the part of applicant No.2. The medical papers indicate injuries suffered by the informant.

At this stage, in so far as applicant No.2 is concerned, the learned counsel for the applicants seeks permission to withdraw the application. Same is permitted.

In so far as applicant No.1 is concerned, I do not find any specific overt act attributed to him. The statement of witnesses also do not describe any overt act at his instance. I therefore find him entitled for protection.

Hence in the event of arrest of applicant No.1 Pratik Rajendrakumr Sharma in connection with Crime No.227/2017 registered with Police Station Old City, Akola, for the offence punishable under Sections 143, 147, 149, 307 and 506 of the Indian Penal Code, 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.

He 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. He shall not take any steps to influence the prosecution witnesses.

The application in so far as applicant No.2 is concerned, the same is disposed of as withdrawn.

The observations made in this order are only for deciding this application which is allowed only in respect of applicant No.1.

JUDGE