

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

CRIMINAL APPLICATION (ABA) NO.807 OF 2016
(Pravin s/o Dinkar Deshmukh vs. State of Maharashtra)

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

Shri N.B. Kalwaghe, Advocate for applicant.
Shri S.S. Doifode, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 6, 2017

This application is filed by applicant for anticipatory bail in Crime No.250/2016 registered under Sections 326, 504 and 506 read with Section 34 of Indian Penal Code.

Heard learned Counsel for both sides.

Admittedly, applicant on being protected by interim order has attended Investigating Officer and one knife is seized from him on 17/1/2017.

Shri Doifode, learned Additional Public Prosecutor, on instructions, makes a statement that most of the investigation is complete and knife only was required to be seized from applicant.

From the reply it is found that based on report lodged by Ramkisan, present offence is registered against applicant and two others wherein it is alleged that on 27/9/2016, while he was returning from temple, applicant and others suddenly assaulted. Other co-accused on being arrested, are released on bail on the

same day. The act attributed to applicant is of his assaulting complainant in abdomen by knife which, according to medical documents, is stated to be grievous injury. As per respondent's reply, custodial interrogation of applicant is necessary for the purpose of effecting seizure of knife and second ground put forth for refusal of bail is of possibility of applicant's tampering with the evidence.

From seizure panchanama dated 17/1/2017, it is found that one knife came to be seized as produced by applicant. However, there are no blood stains or otherwise on the knife. In that view of the matter and as investigation is likely to be completed, application is liable to be allowed as per order below :

Interim order dated 5/1/2017 passed by this Court stands confirmed with further direction to applicant to attend Investigating Officer as and when called till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

khj