

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

CRIMINAL APPLICATION (BA) NO.1107 OF 2017

1. Ashwini w/o Pramod Surajvanshi, Tukum, Chandrapur.
2. Rushabh @ Shankarsingh s/o Babulalsingh Sakkarwar
3. Praful Pandhari Mendhe,
Nos. 2 and 3 R/o Sant Tukdoji Ward Hinganghat, Tq. Hingaghat
Dist. Wardha

-vs-

State of Maharashtra, Thr. PSO, PS Durgapur, Tah. & Dist. Chandrapur

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

Court's or Judge's Orders.

Shri Mahesh Rai, Advocate for applicants.
Ms Geeta Tiwari, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.

DATE : November 22, 2017

The applicants who have been arrested on 02/11/2017 in connection with Crime No.417/2017 registered at Police Station Durgapur, Dist. Chandrapur for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code seek their release on bail.

As per the First Information Report dated 27/10/2017 the informant Pramod has stated that he had some dispute with his wife on some monetary aspects. On 23/10/2017 her nephew and his friend had come home and they started a quarrel with the informant. The informant was assaulted with a wooden instrument on his hands and legs by applicant No.2 while applicant Nos.1 and 3 were instigating him. After two days the informant was admitted in hospital for treatment. The report was lodged thereafter on 27/10/2017.

It is submitted on behalf of the applicants that the dispute had arisen on account of some differences between the applicant No.1 and the informant. The wooden instrument has been recovered and the investigation is almost complete. The applicant No.2 is a student and the incident has occurred in the heat of the moment. It is therefore submitted that applicants are entitled for being released.

The application is opposed by the learned Additional Public Prosecutor by filing reply. It is submitted that the informant suffered grievous injuries and if the applicants are released there is likelihood of aggravation of the dispute.

Perused the First Information Report as well as the other documents collected by the prosecution. The injuries in question are on the hands and legs of the informant. Though the injuries are grievous in nature, after treatment the informant has now been discharged. The weapon of assault has been duly seized and therefore I find the applicants entitled for their release.

Accordingly the applicants who have been arrested on 02/11/2017 in connection with Crime No.417/2017 registered at Police Station Durgapur, Dist. Chandrapur for the offence punishable under Section 326 read with Section 34 of the Indian Penal Code, are directed to be released on bail on furnishing PR Bond of Rs.20,000/- (Rupees Twenty Thousand) each with one surety each in the like amount.

The applicants shall co-operate with the investigation and no steps be taken to influence the prosecution witnesses.

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

JUDGE