

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

Criminal Application (ABA) NO. 834 of 2017

APPLICANT:-

Gopal S/o Sadashiv Maharnoor, & anr.

VERSUS

NON-APPLICANT:-

The State of Maharashtra,

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

Court's or Judge's orders.

Shri. R. D. Karode, Advocate the applicants.
Ms. S. Haidar, Additional Public Prosecutor for State.

CORAM : A. S. Chandurkar, J.
DATE : 29.11.2017.

1. Applicants are apprehending their arrest in connection with Crime No. 251/2017, for the offence punishable under Sections 326, 109 read with Section 34 of Indian Penal Code, dated 01.11.2017 registered at Police Station, Murtizapur, Tah. Murtizapur, Dist. Akola.

2. As per first information report lodged by one Narayan, he and his brother were grazing cattle on 28.10.2017. The present applicants had stopped them and had assaulted them with sticks and axes. The informant and his brother suffered injuries.

3. It is submitted on behalf of the applicants that the dispute in question has resulted in lodging of two reports. The first report is

lodged by applicant No. 1 on 28.10.2017 against said Narayan and his brother. For countering that report, the informant has lodged a subsequent report on 01.11.2010. There is delay in lodging the same. The injuries suffered are not grievous and therefore, the applicants deserve to be protected from arrest.

4. The application is opposed by learned Additional Public Prosecutor relying upon the reply. It is submitted that for collecting blood samples and for recovering the weapons, the custodial interrogation of the applicants is necessary. The injuries suffered indicate the assault made by the applicants. Hence, application is liable to be rejected.

5. Perused the first information report as well as reply filed. The record indicates that there are two reports filed with regard to the alleged incident. Present applicants had lodged first report on 28.10.2017 and thereafter, the subsequent report was lodged by Narayan dated 01.11.2017. The medical papers shows the injuries to be simple in nature. Considering this fact and as there is no injury on the brother of Narayan by axe as alleged, the applicants are entitled for protection.

6. In view of the aforesaid, the applicants, in the event of their arrest in Crime No. 251/2017, dated 01.11.2017 registered at Police Station, Murtizapur, Tah. Murtizapur, Dist. Akola, for the offence punishable under Sections 326, 109 r/w 34 of Indian Penal Code, shall be released on bail on furnishing P.R. Bond of Rs. 20,000/- each. The applicant shall attend concerned Police Station on 6th December, 2017 between 11.00 am to 01.00 p.m. and thereafter as directed by Investigating Officer. No steps shall be taken to influence the prosecution witnesses

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

JUDGE