

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

CRIMINAL APPLICATION (ABA) NO.826 OF 2016
(Rahul s/o Rajendra Meshram and another vs. The 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 C.R. Thakur, Advocate for applicants.
Smt. K. Deshpande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : FEBRUARY 13, 2017

This application is filed by applicants for pre-arrest bail in Crime No. 558/2016 under Sections 326, 324, 427, 504 and 506 read with Section 34 of Indian Penal Code.

Heard learned Counsel for both sides.

Shri Thakur, learned Counsel for applicants, has submitted that according to report lodged by Sunil, involvement of applicants is general as assailants of complainant and assaulted by iron rod.

Perusal of report reveals that incident occurred on 19/11/2016 at 8.30 p.m. near VIP Bar when it is stated that complainant was suddenly assaulted by both applicants and co-accused Shubham by iron rod, due to which he sustained injuries behind his head and nose. Injury certificate of complainant reveals that he has received injuries on occipital region and nose. However, no nature of injuries is stated as according to report, nature of injuries was to be opined after Expert's

opinion. Admittedly, till today, no such opinion is obtained. From further contents of report, it is revealed that co-accused Shubham had committed assault by iron rod on Pramod Paunikar and Vilin Bagde on their head and thigh respectively. Admittedly applicants are not involved in assault on Pramod Paunikar or Vilin Bagde. Involvement of applicants is thus found to be vague as assailants along with co-accused Shubham upon complainant Sunil, who has sustained injuries as aforesaid.

In that view of the matter and since applicants have earlier attended Investigating Officer as per directions of this Court, order dated 21/12/2016 is liable to be confirmed. Hence, following order :

Interim order dated 21/12/2016 passed by this Court stands confirmed on the same terms and conditions with further direction to applicants to attend Investigating Officer, if called, till filing of the charge-sheet. The criminal application is accordingly allowed.

JUDGE

khj