

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

CRIMINAL APPLICATION (ABA) NO.842/2017

Suresh s/o Madhav Mandhre

..vs..

State of Mah., thr. PSO Bhadrawati Police Station , Taluka and District
Chandrapur

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

Court's or Judge's Order

Shri R.M. Daga, Counsel for the applicant.

Shri S.M. Ghodeswar, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : DECEMBER 12, 2017.

1. Heard learned counsel Shri R.M. Daga for the applicant and learned Additional Public Prosecutor Shri S.M. Ghodeswar for the State.

2. The applicant is apprehending his arrest in connection with Crime No.389 of 2017 registered with Bhadrawati Police Station, District Chandrapur for the offences punishable under Sections 143, 147, 148, 149, 302, 307, and 323 of the Indian Penal Code and under Section 135 of the Bombay Police Act. The date of incident is 1.4.2017.

3. It is not in dispute that on very same day, a counter first information report was registered against complainant Swapnil and others vide Crime No.390 of 2017 for the offences punishable under Sections 323, 324, and 149 of the Indian Penal Code. The place of occurrence of these offences is

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one and the same.

4. Deceased is Jagdish Mandhre. There are 3 injured namely Swapnil, Bandu, and Mangesh. Even, according to learned Additional Public Prosecutor Shri S.M. Ghodeswar for the State, these 3 eyewitnesses do not implicate the applicant in respect of assault on Jagdish. Other eyewitness, who is an injured, is one Raju. His statement would show that the present applicant has made a stick blow on him. Learned Additional Public Prosecutor Shri S.M. Ghodeswar points out that injuries suffered by Raju are in the nature of contusions.

5. It is to be noted that the accused persons, who were arrested, their bail applications were considered favourably by this Court and various accused persons were released on bail by various orders. In the said orders it has been observed by this Court that there is a dispute in respect of fishing rights and rights to cultivate product known as “Shingada” and the matter reaches to the Honourable Apex Court in respect of respective rights.

6. Looking to fact that the present applicant is not responsible for assault on deceased Jagdish and injury caused are only in the nature of contusions, in my view, the application of the applicant can be considered favourably. Hence, I pass the following order:

ORDER

(i) The criminal application is allowed.

(ii) Applicant Suresh s/o Madhav Mandhre, in the event of his arrest in connection with Crime No.389 of 2017 registered with Bhadrawati Police Station, District Chandrapur for the offences punishable under Sections 143, 147, 148, 149, 302, 307, and 323 of the Indian Penal Code and under Section 135 of the Bombay Police Act, be released on bail on he executing a P.R. Bond in the sum of Rs.25,000/- with two solvent sureties of the like amount.

(iii) The applicant shall attend the police station twice a week i.e. on Monday and Tuesday between 3:00 p.m. and 5:00 p.m., till the charge-sheet is filed against the present applicant.

(iv) With this, the criminal application is allowed and disposed of.

JUDGE

!! BRW !!

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