

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

CRIMINAL APPLICATION (ABA) NO. 865/2017

Nilesh @ Bhupesh s/o Jagdish Choubey and ors. ..vs.. State of
Maharashtra thr. PSO P.S. Balapur, Tq. Balapur, Dist. Akola

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

Court's or Judge's orders.

Mr. S. V. Sohoni, Advocate for applicants.
Mr. A. Madiwale, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.
DATED : DECEMBER 13, 2017

1. Heard Mr. Sohoni, Advocate for applicants and
Mr. Madiwale, A.P.P. for non applicant-State.

2. The applicants are apprehending their arrest in
connection with Crime No.395/2017, registered with
Police Station, Balapur, Tq. Balapur, Dist. Akola for an
offence punishable under Sections 143, 147, 148, 149
and 326 of the Indian Penal Code.

3. The FIR was lodged by one Chetan Ramlal
Ahir, in respect of an incident of assault dated
21.10.2017. The incident in question has occurred on
account of burning fire crackers. Even as per the reply,
five accused persons are already arrested on 31.10.2017
and thereafter on 21.11.2017; one Tillu alias Tilak, Bablu
alias Rajesh and Shailesh are arrested. Even as per the
prosecution reply, some weapons are recovered on the
memorandum statement of the arrested accused.

4. The learned A.P.P. fairly submits that though the investigation is in progress, it is on the verge of completion. The statement of Chetan is already recorded twice on 21.10.2017 and 24.10.2017. In his statement dated 21.10.2017 the allegation against the present applicants are general in nature whereas in his statement dated 24.10.2017, he has attributed a specific role that the applicant no.1-Nilesh has given a stick blow on the head of Rahul. So also the statement of Rahul also corroborates the said fact. Insofar as applicant no.2-Jagdish and applicant no.3-Pawan are concerned, there are no allegations of actual assault.

The injured is already discharged from the hospital is the statement of the learned A.P.P. and thus there is least possibility of converting the offence into more graver one.

5. Looking the fact that the investigation is on the verge of completion and there are only general allegations against the present applicant nos. 2 and 3, they have made out a case for grant of anticipatory bail. Hence, following order is passed.

ORDER

(i) Criminal Application No.865/2017 is partly allowed.

(ii) The application so far as applicant no.1-Nilesh @ Bhupesh Jagdish Choubey is concerned, is rejected.

(iii) The applicant no.2 Jagdish Harishankar Choubey and applicant no.3-Pawan Kishor Choubey, in the event of their arrest in connection with Crime No.395/2017, registered with Police Station, Balapur, Tq. Balapur, Dist. Akola for an offence punishable under Sections 143, 147, 148, 149 and 326 of the Indian Penal Code, be released on bail on they executing P.R. Bond in the sum of Rs.15,000/- each with tow solvent sureties in the like amount.

(iv) The applicant no.3-Pawan Kishor Choubey shall attend Police Station, Balapur, twice in a week i.e. on every Sunday and Tuesday and shall be with the investigating officer from 03.00 p.m. to 05.00 p.m. till the filing of the charge-sheet.

The application is disposed of.

JUDGE