

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**  
**NAGPUR BENCH, NAGPUR**  
**CRIMINAL APPLICATION (ABA) NO.8/2018**  
**Lalit s/o Jankiprasad Khajare and ors**

**..vs..**

**State of Mah., thr. its PSO PS Gondia Rural, Taluka and District Gondia**

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

Court's or Judge's Order

Shri N.R. Tekade, Counsel for the applicants.  
Shri T.A. Mirza, Addl.P.P. for the State.

**CORAM : V.M. DESHPANDE, J.**  
**DATED : JANUARY 16, 2018.**

1. Heard learned counsel Shri N.R. Tekade for the applicants and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
2. Learned counsel Shri N.R. Tekade for the applicants strenuously urged before the Court and submitted that no case is appearing against any of the applicants and, therefore, they are entitled to be released on anticipatory bail.
3. With the assistance of learned Additional Public Prosecutor Shri T.A. Mirza for the State, I have gone through the reply filed on behalf of the State.
4. The first information report is lodged by Prakash Khemlal Sulakhe. On the basis of his report, the offence is registered with Police Station Gondia Rural for the offences punishable under Sections 452, 427, 324, 143, 147, 148, and 149 of the Indian Penal Code.
5. As per the first information report, on 12.12.2017 a

reception ceremony was going on in the house of one Yogesh Chintaman Dahare. In that reception, first informant Prakash, Sunil Mankar, Shailesh Sulakhe, Durgaprasad Sulakhe, Tinu Sulakhe, and Anwar Sonwane were present. As per the first information report, in the said reception ceremony, Sunil Mankar was dancing. While he was dancing, present applicant No.1 Lalit, applicant No.3 Prashant, applicant No.4 Pravin, and other two persons said that he should stop dancing and now they want to dance. On that, there was an altercation in between them. At that time, when first informant Prakash tried to intervene, threat to face dire consequences was given to him. The first information report further states that on 13.12.2017 at 9:30 p.m., applicant No.1 Lalit, applicant No.2 Aasif, Applicant No.3 Prashant, applicant No.4 Pravin, applicant No.5 Rohit, applicant No.6 Amit, and applicant No.8 Mohit Sakhre came to his house. That time, elder brother of the first informant by name Kailash was sleeping.

6. According to the first information report, thereafter, Kailash was dragged and at that time he was assaulted by means of stick by Sushil and also by Lalit by fist blows.

7. The name of applicant No.1 Lalit is taken by all the prosecution witnesses and role attributed to Lalit is that he has assaulted by means of fist blows.

8. The name of applicant No.2 Aasif is taken only by the first informant. His name is not taken by the prosecution witnesses. Further, no specific role is attributed against this applicant by the

first informant.

9. The name of applicant No.3 Prashant is taken by the first informant and by all prosecution witnesses. However, no specific allegation is made against this applicant.

10. Insofar as applicant No.4 Pravin is concerned, his name is taken only by the first informant and not by any other prosecution witnesses and the role attributed to him is that he gave kick blows.

11. Insofar as applicant No.5 Rohit and applicant No.6 Amit are concerned, their names are taken only by the first informant and not by any other prosecution witnesses and no specific role is attributed against those applicants.

12. Insofar as applicant No.7 Nitesh is concerned, his name is not taken either by the first informant or any of the prosecution witnesses.

13. Insofar as applicant No.8 Mohit is concerned, his name is taken only by the first informant and no specific role is attributed against him.

14. Looking to the aforesaid nature of evidences against the applicants and looking to the fact that a counter case is registered against the complainant party, as it is fairly stated by learned Additional Public Prosecutor Shri T.A. Mirza for the State, in my view, the applicants have made out a *prima facie* case in their favour. Hence, I pass the following order:

**ORDER**

(i) The criminal application is allowed.

(ii) In the event of arrest of applicants viz. Lalit Khajare, Aasif Ali Ahemad Ali Sayyed, Prashant Meshram, Pravin Meshram, Rohit Khajare, Amit Patle, Nitesh Jayaswal, and Mohit Sakhre, in connection with Crime No.536 of 2017 registered with Police Station Gondia Rural, District Gondia for the offences punishable under Sections 452, 427, 324, 143, 147, 148, and 149 of the Indian Penal Code, the applicants be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- by each of them with one solvent surety of the like amount by each of them.

(iii) Needless to state that the observations made in this order are purely for deciding the present application for grant of bail only and learned of the Court below, who shall be trying case, shall not get influenced by the observations made in this order.

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

**JUDGE**

!! BRW !!

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