

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

CRIMINAL APPLICATION (ABA) NO.11/2018

Harisingh s/o Chandansingh Yadav and anr. ..vs.. The State of Maharashtra
through PSO P.S. Khanan, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. A. Sharma, Advocate for applicants.

Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018

1. Heard Mr. A. Sharma, Advocate for applicants
and Mr. N. R. Rode, A.P.P. for non applicant-State.

2. By the present application, the applicants are
seeking pre-arrest bail since they are apprehending their
arrest in connection with Crime No.327/2017 registered
with Police Station, Khanan, Dist. Nagpur for an offence
punishable under Sections 326, 324, 143, 147, 148, 149 of
the Indian Penal Code read with Section 135 of the Bombay
Police Act.

3. The FIR is lodged by one Vipinsingh Yadav. In
the said FIR, a specific role is attributed against the applicant
no.1-Harisingh Yadav. No specific role is attributed against
the applicant no.2-Rohit Yadav.

4. During the course of investigation, the
investigating officer has also recorded statement of Vivek

Yadav, who is also one of the injured. In the said statement, he has made a specific attribution of assault on him by the applicant no.1-Harisingh Yadav.

4. From the submissions of both the learned counsel, it is clear that the incident, on the basis of which the offence is registered, is the fallout of the incident on the very same day and on the basis of which Raju Yadav, who is accused in the present case has lodged report against the first informant in the present crime which is registered as Crime No.326/2017.

5. In view of the specific accusation made against the present applicant no.1-Harisingh Yadav, I reject his application for bail. However, the application of applicant no.2-Rohit Yadav is required to be considered favourably.

7. In that view of the matter, following order is passed.

ORDER

(i) Criminal Application No.11/2018 is partly allowed.

(ii) Application of applicant no.1-Harisingh Chandansingh Yadav is rejected.

(iii) In the event of arrest in connection with Crime No.327/2017 registered with Police Station, Khanan, Dist. Nagpur for an offence punishable under Sections 326, 324, 143, 147, 148, 149 of the Indian Penal Code read with Section 135 of the Bombay Police Act, the applicant no.2-

Rohit s/o Raju Yadav be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) The applicant no.2-Rohit Yadav shall attend Police Station, Khanan, Dist. Nagpur twice a week i.e. on every Friday and Saturday and shall be with the investigating officer from 02.00 p.m. to 06.00 p.m. and shall fully cooperate in the investigation.

(iv) The applicant no.2-Rohit shall not indulge in any activity which may cause prejudice to the prosecution case.

(v) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. However, the learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE