

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

CRIMINAL APPLICATION (ABA) NO.30/2018
Ganesh Vishwanath Talware

..VS..

State of Mah., thr. its P.S.O. Shantinagar, Nagpur

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

Court's or Judge's Order

Shri Ketan Ghatale, Counsel for the applicant
Shri A.D. Sonak, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.
DATED : JANUARY 24, 2018.

1. Heard learned counsel Shri Ketan Ghatale for the applicant and learned Additional Public Prosecutor Shri A.D. Sonak for the State.
2. The applicant is apprehending his arrest in connection with Crime No.154/2017 registered with Shantinagar Police Station, District Nagpur for the offences punishable under Sections 143, 147, 148, 149, 294, and 506B of the Indian Penal Code.
3. The First Information Report (FIR) is lodged by one Sachin Ramtekkar against Niraj Jain and others on 12.12.2017.
4. From the FIR it appears that Sachin was having friendship with the wife of accused Niraj when they were in school. The FIR shows that Sachin sent Whats-App Message "Good Morning" to her.
5. It appears that Niraj got annoyed by such Whats-App

Message and he called Sachin under a bridge of Mehandibagh. As per the FIR, the first informant and his other friends went there. At that time, Niraj and other accused persons came there and there was verbal duel in between them which ultimately resulted in attack.

6. As per the FIR, Shubham and Kunal received injuries and they were admitted in the hospital.

7. The name of the applicant is not figured in the FIR nor it is mentioned in the FIR.

8. During the course of the investigation, the investigating officer has arrested Niraj and his brother Ankit and they are in jail. Two others, viz. Nitin and Nilesh were also arrested by the investigating officer. However, they are already released on bail by the Trial Court.

9. Statement of Shubham, one of injured, is recorded on on 14.12.2017. His statement shows that he knows the applicant. However, his statement does not attribute any specific role of assault. On the contrary, his statement shows that during the scuffle, one stick blow was received by applicant Ganesh and received injuries on his cheek.

10. As per the reply filed on behalf of the prosecution, during police custody remand, disclosure statement of Niraj was recorded and the weapons are already seized from him.

11. The applicant was granted *ad interim* bail by this Court on 16.1.2018.

12. According to the reply, in view of the directions given

by this Court, the applicant attended the police station and his statement is recorded and one motorcycle and his clothes are already seized from the applicant.

13. The apprehension of the prosecution, that the applicant may tamper with the prosecution witnesses, can be taken care of by imposing the conditions.

14. Looking to the nature of evidence, that is available against the applicant, in my view, the application needs to be allowed. Consequently, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) In the event of arrest of applicant Ganesh Vishwanath Talware, in connection with Crime No.154/2017 registered with Shantinagar Police Station, District Nagpur for the offences punishable under Sections 143, 147, 148, 149, 294, and 506B of the Indian Penal Code, the applicant 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.

(c) The applicant shall attend the police station twice a week i.e. on every Tuesday and Sunday and shall be in the police station from 1:00 p.m. to 4:00 p.m., till filing of the charge-sheet.

(d) The applicant shall not try to intimidate any of the prosecution witnesses.

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

JUDGE

!! BRW !!