

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

CRIMINAL APPLICATION (ABA) NO.37/2018

Mr. Vyankati s/o Chandrayya Korete

..vs..

State of Mah., thr. its PSO PS Bamni, Tahsil Sironcha, District Gadchiroli

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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

Ms Sneha Dhote, Counsel for the applicant.

Shri T.A. Mirza, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 1, 2018.

1. Heard learned counsel Ms Sneha Dhote for the applicant and learned Additional Public Prosecutor Shri T.A. Mirza for the State.
2. The applicant is apprehending his arrest in connection with Crime No.9/2017 registered with Police Station Bamni, District Gadchiroli for the offences punishable under Section 506(2), 504, and 294 read with Section 34 of the Indian Penal Code.
3. The First Information Report (FIR) is lodged by Vyankati Shankar Allori on 16.10.2017. As per the FIR, when the first informant had been to his house, after casting his Vote in Gram Panchayat Election, accused Umesh Talandi, Santosh Gawande, Vyankati Korete (present applicant), and Bhagwan Madhavi came in his courtyard. Accused Umesh Talandi assaulted by fist blows. After giving fist blows, said accused Umesh Talandi threw Rs.20/- towards daughter of

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complainant Vyankati. At that time, other accused person Bhagwan Madhavi used objectionable language and uttered obscene words. At that time, accused Umesh Talandi gave blow of broken bottle on the chest of first informant Vyankati, resulting into injury.

4. Thus, the FIR is totally silent about any overt act on the part of the present applicant though first informant attributes his presence on the spot. From the FIR itself it is clear that the incident of assault has occurred due to Gram Panchayat Election. Thus, it is having political colour. Therefore, false implication is not completely ruled out at least *prima facie*.

5. On 17.1.2018, this Court while granting *ad interim* bail, directed the applicant to attend the police station on 22nd, 23rd, and 24th of January 2018. Accordingly, the applicant had attended the police station, is the submission made by learned counsel Ms Sneha Dhote for the applicant which is not controverted. Rather, learned Additional Public Prosecutor Shri T.A. Mirza for the State, on the instructions from the investigating officer, submits that the applicant had been to the police station and he is already interrogated.

6. In that view of the matter, I pass the following order:

ORDER

(a) The criminal application is allowed.

(b) Applicant Mr. Vyankati s/o Chandrayya Korete, in the event of his in connection with Crime No.9/2017

registered with Police Station Bamni, District Gadchiroli for the offences punishable under Section 506(2), 504, and 294 read with Section 34 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) With this, the criminal application is allowed and disposed of.

JUDGE

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