

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

CRIMINAL APPLICATION (ABA) NO.44/2018

Datta Gajanan Yenkar

..vs..

State of Mah., thr. PSO PS Nandura, District Buldana

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

Court's or Judge's Order

.....
Shri U.J. Deshpande, Counsel for the applicant.

Shri M.K. Pathan, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 1, 2018.

1. Heard learned counsel Shri U.J. Deshpande for the applicant and learned Additional Public Prosecutor Shri M.K. Pathan for the State.

2. The applicant is apprehending his arrest in connection with Crime No.6/2018 registered with Police Station Nandura, District Buldana for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 427, 504, and 506 of the Indian Penal Code and Section 135 of the Bombay Police Act.

3. It would be useful to refer one fact that a counter First Information Report (FIR) is lodged by one Pawan Dinkar Avchar on 3.1.2018 like the FIR lodged by Sheikh Shahid Sheikh Chand Qureshi with Police Station Nandura on the very same day.

4. The FIR lodged by Pawan is registered as FIR No.5/2018

for the offences punishable under Sections 307, 324, 323, 452, 143, 147, 148, 149, 427, 504, and 506 of the Indian Penal Code and Section 135 of the Bombay Police Act,

5. From both the FIRs it is clear that both the FIRs relate to one incident only. From both the FIRs it is clear that unfortunately two groups clashed with each other on account of playing cricket on the very same ground. First informant Pawan Dinkar Avchar in FIR No.5/2018 is accused in FIR No.6/2018 and first informant of FIR No.6/2018 is also accused in FIR No.5/2018. The FIR No.6/2018 lodged by Sheikh Shahid Sheikh Chand Qureshi is accused in other FIR.

6. Injured in FIR No.6/2018 is Sheikh Sohail Sheikh Imam Qureshi is also accused in FIR No.5/2018.

7. According to the prosecution, injured Sheikh Sohail Sheikh Imam Qureshi was assaulted on his head by the applicant by means of an iron rod and, therefore, the application of the applicant is seriously opposed by learned Additional Public Prosecutor Shri M.K. Pathan for the State.

8. Learned Additional Public Prosecutor Shri M.K. Pathan for the State has made available injury certificate of injured Sheikh Sohail. The said certificate shows that injuries suffered by the said injured were simple in nature.

9. In that view of the matter and in view of the fact that the incident is outcome of group clash between two groups, I find it necessary to grant anticipatory bail in favour of the applicant. That

leads me to pass the following order:

ORDER

- (a) The criminal application is allowed.
- (b) Applicant Datta Gajanan Yenkar, in the event of his arrest in connection with Crime No.6/2018 registered with Police Station Nandura, District Buldana for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 427, 504, and 506 of the Indian Penal Code and Section 135 of the Bombay Police Act, 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 applicant.
- (c) The applicant shall attend the police station twice a week i.e. on Thursday and Monday and shall be with the investigating officer from 3:00 p.m. and 5:00 p.m., till filing of the charge-sheet.
- (d) After filing of the charge-sheet, the applicant shall attend the police station once in a month i.e. on Sunday for next 6 months from the date of filing of the charge-sheet and shall be with the investigating officer from 2:00 p.m. to 5:00 p.m..

(e) It is made clear that the observations made in this order are purely for deciding the application for grant of bail only and learned Judge of the Court below, who shall be trying the case, shall not get influenced by the observations made in this order.

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

JUDGE

!! BRW !!

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