

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

CRIMINAL APPLICATION (ABA) NO.72/2018

Pradeep @ Gabbar s/o Nandlal Yadav ..vs.. State of Maharashtra thr. PSO
P.S. Dhantoli, Nagpur

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

Court's or Judge's orders.

Mr. R. R. Vyas, Advocate for applicant.

Mr. V. A. Thakare, A.P.P. for non applicant-State

CORAM : V.M. DESHPANDE, J.

DATED : FEBRUARY 12, 2018

1. Heard Mr. Vyas, Advocate for applicant and
Mr. Thakare, A.P.P. for non applicant-State.

2. This is an application for anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.227/2017 (FIR No.336/2017) registered with Police Station, Dhantoli, Nagpur for an offence punishable under Sections 141, 143, 147, 148, 149, 323, 324, 506 and 307 (added on 25.10.2017) of the Indian Penal Code, Section 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. The FIR is lodged by one Tara Yadav. In the FIR, though the name of present applicant is mentioned, no specific role is against present applicant is attributed. In the supplementary statement of the first informant, a specific role is attributed against the present applicant that he has assaulted on the face of one Jaggu by fist blows. It is to be

noted that Jaggu is accused in Crime No. 226/2017 and according to the learned A.P.P., on instructions from the investigating officer, who is personally present in the Court, he is still absconding. The supplementary statement of the first informant, in the present case, is recorded on 03.11.2017 i.e. after 11 days of the incident in question. From the FIR, it is explicitly clear that the rival groups are having bitter political rivalry between them hence false implication at the behest of the first informant after 11 days cannot be completely ruled out. Further, investigation and the FIR do not show that the applicant has used any type of weapon.

4. In that view of the matter, the applicant has made out a prima facie case in his favour. Further, on 05.02.2018, this Court has granted ad interim anticipatory bail in favour of the applicant on a condition that he shall attend Police Station on 07.02.2018, 08.02.2018 and 09.02.2018 and according to the learned A.P.P. the applicant has followed the said condition.

4. In that view of the matter, the application is allowed. Order dated 05.02.2018 passed by this Court is made absolute.

The application is disposed of accordingly.

JUDGE