

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

CRIMINAL APPLICATION (ABA) NO.498 OF 2018

(Abhang s/o Kisanrao Wagh and another ..vs.. State of Maharashtra, through PSO, PS Shirpur, District Washim)

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

Court's or Judge's orders

Shri M.N. Ali, Counsel for the applicants,
Shri T.A. Mirza, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 25-07-2018

The applicants are apprehending arrest in Crime 92/2018 registered with Police Station Shirpur, District Washim for offences punishable under Sections 307, 324 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

2. At the very outset, it is stated that pursuant to the interim order dated 09-7-2018, the applicants have reported at Police Station Shirpur every Saturday and Sunday. The diary containing the acknowledgment of attendance is made available for perusal of this Court.

3. On merits, the submission is that the first information report is a fall out of a civil dispute and the same incident has led to the rival parties filing cross reports. I have perused the injury certificates. It is arguable whether offence punishable under Section 307

of the Indian Penal Code is *prima facie* made out. This aspect of course will have to be looked into by the trial Court after the evidence is adduced.

4. At this stage, it does appear that the incident is a fall out of a civil dispute and although it appears to be reasonably certain that there was a physical altercation, cross reports are lodged. Members of both the groups have suffered injuries. *Prima facie* it does not appear that custodial interrogation of the applicants would be necessary. The co-accused are released on bail or are granted anticipatory bail.

5. In this view of the matter, I do not see any impediment in confirming the interim order dated 09-7-2018 with the modification that the applicants shall report at the Police Station Shirpur, District Washim as and when required to do so by the Investigating Officer.

6. The application is allowed accordingly.

JUDGE

adgokar