

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

Criminal Application (APPP) No.1439 of 2018
in
Criminal Application (ABA) No. 523 of 2018
(Bhanudas Eknath Haral and others .vs. State of Maharashtra through PSO
PS Amdapur, Dist. Buldana)

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

Mr.R.V. Gahilot, Advocate for Applicant/Complainant.
Mr. A.A. Naik, Advocate for Applicants.
Mr. M.K. Pathan, APP for Non-applicant.

CORAM : NITIN W. SAMBRE, J.
DATED : AUGUST 21, 2018.

This application is taken out for speaking to minute. Heard respective counsel for the parties.

It is not in dispute that this Court was intending to consider the application of applicant No.3 Pramod Pundlik Dalimkar for grant of pre-arrest bail and so far as applicant no.1 Bhanudas and applicant No.2 Sandip are concerned, their application was rejected. However, the order needs to be corrected to the above referred effect i.e. to the extent of prayer of applicant no.1 Bhanudas. As such the request for speaking to minute is allowed.

Paragraph No. 6, 7 and 8 of the order dated 14.08.2018 be read as under:-

“6. Sofar as applicant No.1 Bhanudas and applicant No.2 Sandip @ Namdeo is concerned, specific role is attributed to them since beginning i.e. from lodging of the FIR as they were

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respectively armed with axe and iron rod, whereas applicant no.3 Pramod was armed with stick. The injury certificate corresponds with the injuries caused by weapons which were used by applicant Nos. 1 and 2, but for the applicant No.3 Pramod who was holding a stick.

7. *Though all the applicants appeared to be members of unlawful assembly which was formed with a common object for commission of the crime in question, still upon appreciating the role of the applicant No.3, it will be appropriate to reject the prayer for grant of pre-arrest bail of applicant No.1 Bhanudas and applicant No.2 Sandip as they appeared to be prima facie involved in the crime in question. The only role attributed to the applicant no.3 Pramod is use of stick, however, there is no corresponding injury.*

8. *In view thereof, the application is partly allowed to the extent of prayer of applicant No.3 Pramod Pundlik Dalimkar.*

(i) *In the event of arrest of the applicant No.3 Pramod Pundlik Dalimkar in Crime No.169 of 2018 for the offences punishable under Sections 143, 147, 148, 149, 307, 452, 120-B and 506 of the Indian Penal Code, he be released*

on furnishing P.R. bond of Rs.15,000/- with one or more sureties in the like amount;

(ii) The applicant no.3 Pramod shall report to the Investigating Officer on August 24, 2018, August 27, 2018 and August 29, 2018 in between 10 a.m. and 12 noon and thereafter as and when called by the investigaint offidcer;

(iii) The application of applicant No.1 Bhanudas Eknath Haral and applicant No.2 Sandip @ Namdeo Vasanta Haral, stands rejected."

Appropriate correction be carried out in the order dated 14.08.2018 with usual foot note.

The parties be issued corrected certified copy.

JUDGE