

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

CRIMINAL APPLICATION (ABA) NO.916/2017

Rajesh Waman Rathod ..vs.. The State of Maharashtra through PSO P.S.
Ladkhed, Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. F. T. Mirza, Advocate for applicant.

Mr. T. A. Mirza, A.P.P. for non applicant-State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 8, 2018

1. Heard Mr. F. T. Mirza, Advocate for applicant and
Mr. T. A. Mirza, A.P.P. for non applicant-State.

2. The applicant is apprehending his arrest in connection with Crime No.51/2017 registered with Police Station, Ladkhed, Dist. Yavatmal for an offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code. The crime in question is registered on the basis of the report lodged by one Shrawan Suryabhan Pawar. According to the FIR, on 17.02.2017 at 5.00 p.m. when he was sitting near Panthena at Bus Stand, Ladkhed that time one Umesh Rathod came and gave abuses in respect of the election that had taken place a day prior and picked up a quarrel with him and gave a stick blow. At that time, Umesh's father Waman caught hold of hand of the injured. According to the FIR, that time, the present applicant Rajesh assaulted on him by iron chair. The learned A.P.P. has also pointed out the injury certificate of Shrawan also.

3. The applicant is discharging his duties as Manager, Industrial Relations at Mumbai in Strategic Manpower Solutions Limited.

4. This Court has released Umesh and his brother on anticipatory bail in Criminal Application No.163/2017 (Coram : S. B. Shukre, J.).

5. Looking to the nature of accusation made and looking to the fact that the victim is already discharged from the hospital and there is no possibility of converting the offence into graver one and the iron chair is already seized, I am of the view that applicant has made out a prima facie case for grant of anticipatory bail. Hence, following order is passed.

ORDER

- (i) Criminal Application No.916/2017 is allowed.
- (ii) In the event of arrest in connection with Crime No.51/2017 registered with Police Station, Ladheda, Dist. Yavatmal for an offence punishable under Sections 307, 323, 504 read with Section 34 of the Indian Penal Code, the applicant-Rajesh Waman Rathod be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) The applicant shall attend Police Station, Ladheda on 19.01.2018 and shall be with the investigating officer between 03.00 p.m. to 05.00 p.m. and shall extend full cooperation to the investigating officer.

(iv) The observations made in this order are prima facie in nature and they are made only for the limited purpose for considering the application for anticipatory bail. The learned trial Court shall not get influenced by any of the aforesaid observations.

The application stands disposed of accordingly.

JUDGE

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