

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

CRIMINAL APPLICATION (ABA) NO.931/2017

Atul s/o Kishor Udawant

..vs..

State of Mah., thr. PSO PS Umarkhed, Tahsil Umarkhed, District Yavatmal

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

Court's or Judge's Order

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Shri V.N. Patre, Counsel for the applicant.

Shri N.R. Rode, Addl.P.P. for the State.

CORAM : V.M. DESHPANDE, J.

DATED : JANUARY 29, 2018.

1. Heard learned counsel Shri V.N. Patre for the applicant and learned Additional Public Prosecutor Shri N.R. Rode for the State.

2. The present applicant is apprehending his arrest in connection with Crime No.38/2007 registered with Police Station Umarkhed, Tahsil Umarkhed, District Yavatmal for the offences punishable under Sections 143, 147, 148, 149, 307, 353, 332, 341, 436, and 427 of the Indian Penal Code and Section 7 of the Criminal Communal (Amended) Act.

3. The First Information Report (FIR) is dated 11.4.2007.

4. According to the prosecution, the accused persons with a view that the bus belonging to the travel company is responsible for death of Sheikh Jamir Sheikh Khurshid, they pelted stones on the said bus and also set that bus ablaze. The offence was

registered against near about 200 people and mob was ultimately calm down when the police had lathi charge.

5. According to the applicant, the name in the FIR is Atul Ishwar Udawant. Whereas, the name of present applicant is Atul Kishor Udawant. The present applicant is, therefore, apprehending his arrest.

6. This Court, on 26.12.2017 has granted *ad interim* anticipatory bail in favour of the present applicant with conditions that the applicant shall attend the police station, if he is called by the investigating officer. Though it was open for the investigating officer to call the applicant for interrogation, he was not called.

7. The prosecution has not pointed out any cogent reason for the custody of the present applicant in respect of the incident which occurred in the year 2007.

8. In that view of the matter, the criminal application is allowed and disposed of. Order passed by this Court on 26.12.2017 stands confirmed.

9. Needless to say 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 of the observations made in this order.

JUDGE

!! BRW !!

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