

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

CRIMINAL APPLICATION (ABA) NO. 295 OF 2019

(Aditya Harishchandra Lahane vs. State of Maharashtra thr. PSO, Balapur, District - Akola)

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

Court's or Judge's orders.

CORAM : PUSHPA V. GANEDIWALA, J.
MAY 23, 2019.

Heard Shri R.M. Tahaliyani, learned counsel for the applicant and Ms. N.P. Mehta, learned APP for the non-applicant.

The applicant apprehends his arrest in Crime No. 60 of 2019 registered at Police Station, Balapur, for the offence punishable under Sections 307, 323, 143, 147, 148, 149 and 324 read with Section 34 of the Indian Penal Code.

The prosecution story in brief is that there is a property dispute amongst the accused persons and the victim. The applicant along with co-accused abruptly entered in to the shop of the informant and assaulted his father with the help of Koyata (sickle), knife, rod and stick and thereby seriously injured the father of the informant. On the same day, crime was registered against all the members of the family of Lahane and two more co-accused.

The learned counsel for the applicant submits that some of the co-accused have already been released on

bail or anticipatory bail by the learned District and Sessions Judge, Akola. The present applicant is a juvenile and is apprehending his arrest in this crime. The investigation is almost completed and, therefore, his custodial interrogation is not necessary.

The learned APP in the reply, strongly opposed the application and submitted that he is the main accused in assaulting the father of the informant. Wooden stick is required to be recovered from this accused.

I have considered the submissions made on behalf of both the parties. On perusal of the FIR, it appears that along with other male members of the family, the applicant – juvenile accused also participated in the crime and role attributed to him is that he used the wooden stick for assault. The medical papers show mainly chopper injuries on the vital part of the body of the injured.

He being juvenile, in my view, custodial interrogation is not necessary. There is no likelihood of his absconding. No criminal antecedents against him are pointed out. Hence, I am inclined to allow this application and accordingly pass the following order :

i) In the event of arrest of the applicant – Aditya Harishchandra Lahane, he shall be released on bail on execution of P.R. bond in the sum of Rs.15,000/- with one surety of like amount.

ii) The applicant shall make himself available for interrogation as and when called by the concerned Investigation Officer.

iii) The applicant shall not tamper with the evidence or witnesses.

Criminal Application is disposed of accordingly.

JUDGE

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