

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

CRIMINAL APPLICATION (ABA) NO. 296 OF 2019

(Atul Sahadeo Lahane & 2 Ors. 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 applicants and Ms. N.P. Mehta, learned APP for the non-applicant.

The applicants apprehend their 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 all the family members of the Lahane family, on account of the property dispute, entered in to the shop of the informant and assaulted his father by means of Koyata (sickle), knife, rod and wooden stick. The allegations against the present applicants are that they have used these deadly weapons for inflicting serious injuries on the vital part (head) of the father of the informant.

The learned counsel for the applicants pressed for their anticipatory bail on the ground that the

investigation is almost completed and there is no need to take them in to custody.

On the contrary, the learned APP appearing on behalf of the State, in her reply, strongly opposed the application and submitted that they are main accused in this crime.

I have considered the submissions made on behalf of both the parties. At the outset, the role attributed to the co-accused who have already been released on Bail or Anticipatory in this case, is not major as compared to the present applicants. The present applicants, as per prosecution story, used deadly weapons. The weapons need to be recovered from them. It also appears that since the date of incident, they are not cooperating and were absconding.

In view of the role attributed to these applicants, the injuries suffered by the father of the informant and also the need of their custodial interrogation in the crime, I am not inclined to grant any protection to them. Hence, Criminal Application is rejected.

JUDGE

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