

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

Criminal Application (ABA) No.286 of 2019
(Soloman David Salve and another.vs. State of Maharashtra through PSO
PS Gadge Nagar, Dist. Amravati)
with
Criminal Application (ABA) No.298 of 2019
(Amit Anant Maske and another .vs. State of Maharashtra through PSO PS
Gadge Nagar, Dist. Amravati)

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

Court's or Judge's orders.

Mr. M.N. Ali, Advocate for Applicants.
Mr. M.J. Khan, APP for Non-applicant/State.

CORAM : Manish Pitale, J.
DATED : July 1, 2019.

These applications have been filed by students who have been named as accused persons in an FIR in which it is the grievance of the complainant who is the Principal of a Nursing College that the applicants along with certain unknown persons created a ruckus during the process of a meeting being held in the College and that in the process, they assaulted and injured the complainant as well some other persons. Although initially offence under Section 353 of the IPC was registered along with other offences against the applicants, subsequently Section 353 of the IPC was dropped and offence under Section 452 of the IPC was added, which pertains to house trespass after preparation for hurt, assault or wrongful restraint. It is submitted by the learned counsel for the applicants that since admittedly the applicants are students of the said

College, Section 452 of the IPC may not apply. It is pointed out that the applicants being students, are preparing for their examination and that they are ready to cooperate with the investigation. It is also pointed out that after the order of ad-interim protection was passed by this Court, the applicants have been ready to cooperate with the investigation, but they were not called by the Police for recording their statements.

2. Considering the nature of allegations made against the applicants and also in the light of the fact that the applicants are students, this Court is of the opinion that the interim order granted in favour of the applicants can be confirmed and the present applications can be allowed. Accordingly, the present applications are allowed and the applicants are granted anticipatory bail on the conditions that were imposed while passing the interim orders in their favour in these two applications with an additional condition that till filing of the charge-sheet, the applicants shall report to the Police Station Gadge Nagar, district Amravati, on every Sunday between 10 a.m. and 5 p.m.

2. Hamdast granted.

JUDGE