

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

CRIMINAL APPLICATION (ABA) NO.345/2019

Gopi s/o Tarachand Aheirwar .vs. State of Maharashtra, through PSO P.S.
Karanja (Urban), Dist. Washim.

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

Court's or Judge's orders.

Mr. A. C. Agrawal, Advocate for applicant.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 5, 2019

Heard Mr.Agrawal, learned counsel for applicant
and Mr.Ghurde, learned A.P.P. for non applicant-State.

Applicant is apprehending his arrest in connection
with Crime No.432/2018 registered with Police Station,
Karanja (Urban), Dist. Washim for an offence punishable
under Sections 147, 148, 149, 323 and 324 of the Indian
Penal Code. According to prosecution, after investigation is
over, charge-sheet is filed in the crime.

The prosecution case is that on the day of
Deepavali, when first informant; Premchand and his other
family members gathered, that time accused persons
including the present applicant, came on the spot and
assaulted them. As per reply, applicant has assaulted on
Gulab Prachwani by means of weapon "Rapi", which is used
to cut tyres.

The weapon which alleged to have been used by
the present applicant is seized from the spot itself.

The other accused persons were arrested and they are released on bail. Custodial presence of the present applicant is sought for recovery of clothes of the applicant which were on his person at the time of incident.

This Court (Coram: Manish Pitale, J.) on 11.06.2019, granted interim protection in favour of the applicant with a direction to attend Police Station once every week i.e. on every Sunday during the pendency of present application. According to learned counsel for applicant, the applicant has attended police station and cooperated investigating officer. This particular submission is not disputed by learned A.P.P. upon instructions given to him by the investigating officer.

Since the weapon allegedly used by the applicant is already seized by prosecution and custodial presence of applicant is required only for seizure of his clothes, which were on his person on the day of incident and the fact that the applicant is already attending the police station and is extended full cooperation, in my view, applicant can be released bail. Hence, I pass the following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.432/2018 registered with Police Station, Karanja (Urban), Dist. Washim for an offence punishable under Sections 147, 148, 149, 323 and 324 of the Indian Penal Code, applicant-Gopi s/o Tarachand Aheirwar be released on

bail on he executing P.R. Bond in the sum of Rs.25,000/- with two solvent sureties in the like amount.

(iii) Applicant is directed to attend Police Station, Karanja (Urban), Dist. Washim as and when required by the investigating officer.

The application is disposed of.

JUDGE

kahale