

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

Criminal Application (ABA) No.363 of 2019
(Parashram @ Prashant Dnyaneshwar Shingne .vs. State of Maharashtra
through PSO PS Deulgaon Raja, Dist. Buldhana)

with

Criminal Application (ABA) No.364 of 2019
(Nikhil Purushottam Shingne and one .vs. State of Maharashtra through PSO
PS Deulgaon Raja, Dist. Buldhana)

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

Court's or Judge's orders.

Mr. Saurabh Singha, Advocate for Applicants
Mr. J.Y. Ghurde, APP for Non-applicant/State.

CORAM : Manish Pitale, J.

DATED : July 11, 2019.

The applicants herein have approached this Court apprehending arrest in connection with FIR dated 13.05.2019 whereby offences against the applicants and 17 others were registered under provisions of the Indian Penal Code including Sections 307 and 395 thereof. While issuing notices in these applications, this Court had taken note of the fact that there were counter FIRs in the present case and that the complainant in the present case had himself later sworn an affidavit stating that when the incident occurred on 13.05.2019, some unknown persons had assaulted him and due to injury on his head, he had fallen unconscious. It is further stated in the said affidavit that he had named the accused persons on the basis of what he was told by other persons. Therefore, it becomes clear that the accused persons, including the applicants herein, have been named in the FIR based on hearsay information

received by the complainant. In the said affidavit, it has also stated by the complainant that his gold ornaments and other valuable material which were missing, were later found in his own car. This affidavit was filed before the Sessions Court.

2. It is on the basis of such material that this Court granted ad-interim protection to the applicants herein.

3. The learned APP has placed on record replies in both these applications and it is claimed that the custody of the applicants is required because there is an injury certificate showing at least five injuries on the body of the complainant and that the investigation is still in progress and custody of the applicants is necessary for seizing the articles.

4. As noted above, the complainant himself on affidavit has given statement that he had named the accused persons on the basis of hearsay information and further that all the valuables and other articles were found in his vehicle. The learned counsel for the applicants has also informed this Court that all the other accused persons have been either granted anticipatory bail or regular bail by the Sessions Court.

5. Considering the aforesaid material, this Court is of the opinion that the present applications deserve to be allowed. Accordingly, the present applications are allowed and the applicants are granted anticipatory bail

on the same conditions on which they were granted ad-interim protection by this Court by order dated 14.06.2019.

JUDGE

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