

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

Criminal Application (ABA) No.478 of 2019
(Ambadas Krushnarao Adhau and another .vs. State of Maharashtra
through PSO PS Akot Gramin, Dist. Akola)

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

Mr. S.A. Mohta, Advocate for Applicants
 Mr. A.D. Sonak, APP for Non/applicant/State.

CORAM : Manish Pitale, J.
DATED : August 09, 2019.

The applicants herein have approached this Court apprehending arrest in connection with first information report (FIR) dated 14.03.2019 registered against them and seven other accused persons for offences under Sections 143, 147, 148, 149, 323, 324 and 504 of the Indian Penal Code. It has come on record that for the very same incident, which arose due to dispute between the rival parties pertaining to agricultural land, a cross FIR is also registered wherein the applicant no.1 was the complainant. Taking into consideration the material on record, on 16.07.2019, this Court issued notice in the present application and while granting ad-interim protection, made the following observations:-

“5. *The learned counsel for the applicants has invited attention of this Court to the fact that there is also cross FIR registered in the present case at the behest of applicant no.1. It is pointed out that the applicant no.1 was injured*

and that resulted in FIR being registered after two days. In the said FIR, nine accused persons have been named and it is reported that all of them have been enlarged on bail.

6. Considering the aforesaid circumstances, particularly when the genesis of the incident in question appears to be a property dispute between the two sets of parties, a case for grant of ad-interim protection is made out.

7. Hence, in the event the applicants are arrested in Crime No. 135 of 2019 registered at Police Station Akot Rural, district Akola, they shall be released on bail on furnishing P.R. bond of Rs.25,000/- (Rs. Twenty Five Thousand) each and a surety in the like amount. They shall attend the aforesaid Police Station once a week i.e. on Sunday between 10 a.m. and 5 p.m. They shall cooperate with the investigation and they shall not tamper with the evidence or influence the witnesses."

2. The learned A.P.P. has handed over reply which is taken on record. It is also stated by the learned APP that pursuant to the directions given by this Court while granting ad-interim protection, the applicants attended the Police Station and that the iron rod allegedly used in the incident was recovered at the behest of the applicant no.2.

3. The material on record indicates that there are two cross FIRs in the present case pertaining to the same incident and that the applicant no.1 who is a

complainant in the cross FIR, did suffer injuries in the incident in question. Considering the material on record, as also the fact that now the iron pipe allegedly used in the incident stands recovered and the applicants have been cooperating with the investigation, the present application deserves to be allowed.

4. Accordingly, the present application is allowed and the applicants are granted anticipatory bail by confirming the ad-interim protection granted to them by order dated 16.07.2019. The applicants shall continue to cooperate with the investigation.

JUDGE

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