

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

CRIMINAL APPLICATION (ABA) NO.551/2019

Nishant s/o Rajkumar Khutafale and ors

..VS..

State of Mah., thr. PSO PS Shegaon City, District Buldhana

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

Court's or Judge's Order

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Shri G.B.Hemke, Counsel for Applicants.
Shri M.J.Khan, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.

DATED : SEPTEMBER 04, 2019.

1. Applicants, students, are apprehending their arrest in connection with Crime No.324/2019 registered with Shegaon City Police Station, District Buldhana for offences under Sections 395, 323 read with Section 34 of the Indian Penal Code.
2. Heard learned counsel Shri G.B.Hemke for applicants and learned Additional Public Prosecutor Shri M.J.Khan for the State. Also, perused reply filed on behalf of the State.
3. As per reply, Nilesh Ghonge, resident of near Gajanan Mandir, Gadgebaba Square, Shegaon, District Buldhana, lodged a complaint on 18.7.2019 wherein it is stated that in intervening night of 17.7.2019 and 18.7.2019 around 10:00 p.m. to 10:30 p.m. some persons, who were staying in "Hariom Guests House", were making loud noise.

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Therefore, the complainant along with Sanjay Kanherkar, owner of the said Guests House, gave understanding to those persons. As per the prosecution case, thereafter, around 11:30 p.m. to 11:45 p.m., some persons hurled stoned at door of house of the complainant and when door was opened by him, he noticed 5-6 persons were standing in front of his door and one out of those manhandled the complainant and assaulted on his face and back by fists and kick blows and also snatched some amount. According to the prosecution, applicants, guests of "Hariom Guest House", later on vacated the Guest House.

4. Reply shows no injury was found on back of the complainant or wife of the complainant.

5. This Court (Coram : Manish Pitale, J.), on 7.8.2019 granted *ad interim* bail in favour of applicants. According to the prosecution, though applicants attended police station, they flatly denied occurrence of the said incident.

6. Looking to the fact that in the First Information Report no description of any of persons who barged stones at the house of the complainant is given, applicants who are students need to be released on bail. Hence, I pass following order:

ORDER

(i) The criminal application is allowed.

(ii) In the event of arrest of present applicants, in connection

with Crime No.324/2019 registered with Shegaon City Police Station, District Buldhana for offences under Sections 395, 323 read with Section 34 of the Indian Penal Cod, they be released on bail on they executing P.R.Bond in the sum of Rs.15000/- by each of them with one solvent surety of the like amount by each of them.

(iii) Applicants shall attend the police station as and when they are directed by Investigating Officer, till filing of chargesheet, however Investigating Officer shall give them a 3-day written communication.

(iv) With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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