

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

CRIMINAL APPLICATION (ABA) NO.587/2019

Akash s/o Omkarji Raut and ors. vs. State of Maharashtra through PSO P.S.
Saoner, Tq. Saoner, Dist. Nagpur.

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

Court's or Judge's orders.

Mr. A. V. Muley, Advocate for applicants.
Mr. M. J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : SEPTEMBER 3, 2019

Heard Mr. Muley, learned counsel for applicants
and Mr. Khan, learned A.P.P. for non applicant-State.

At the outset, after perusing the reply filed on
behalf of the State in which custody of applicant no.2-
Durgesh s/o Yuvraj Mohanpure and applicant no.4-Pratik
s/o Bhumeswar Khorgade is claimed by the prosecution for
recovery of weapons they used in crime and also that they
are having criminal antecedents, Mr. Muley, learned counsel
for applicants, submits that he wishes to withdraw the
present application.

Permission is granted.

Insofar as role of applicant no.1-Akash s/o
Omkarji Raut and applicant no.3-Rajeshwar s/o Wamanrao
Raut is concerned, as per reply filed on behalf of
prosecution, they have pelted stones. Except that, there is
no allegation against them in the entire prosecution case.

In that view of the matter, I pass following order.

ORDER

- (i) The application is partly allowed.
- (ii) Application of applicant no.2-Durgesh s/o Yuvraj Mohanpue and applicant no.4-Pratik s/o Bhumeswar Khorgade, is dismissed as withdrawn.

Interim order dated 23.08.2019 passed by this Court, in so far as applicant nos.2 and 4 are concerned, is vacated.

- (iii) Application of applicant no.1-Akash s/o Omkarji Raut and applicant no.3-Rajeshwar s/o Wamanrao Raut is allowed.

- (iv) In the event of arrest in connection with Crime No.513/2019, registered with Police Station, Saoner, Tq. Saoner Dist. Nagpur for an offence punishable under Sections 143, 145, 148, 149, 326, 341, 504, 506, 427 read with Section 34 of the Indian Penal Code, applicant no.1-Akash s/o Omkarji Raut and applicant no.3-Rajeshwar s/o Wamanrao Raut, be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.

- (v) Applicant nos.1 and 3 shall attend Police Station, Saoner as and when they are called by investigating officer.

The application is disposed of.

JUDGE