

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

CRIMINAL APPLICATION (ABA) NO.591/2019

Govardhan Uttamrao Sable .vs. State of Maharashtra through PSO P.S. Akot
(Rural), Tq. Dist. Akola.

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

Court's or Judge's orders.

Mr. Sanket Bhandarkar, Advocate for applicant.
Mr. N. R. Rode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 18, 2019

Heard Mr. Bhandarkar, learned counsel for applicant and Mr. Rode, learned A.P.P. for non applicant-State. Perused the reply and other investigation papers.

Applicant is apprehending his arrest in connection with Crime No.142/2019, registered with Police Station, Akot (rural), Tq. Dist. Akola for an offence punishable under Sections 143, 147, 148, 149, 324, 323 and 326 of the Indian Penal Code.

FIR is lodged by one Ambadas Adhau against nine persons. Name of present applicant is figured at Sr.No.5 in the said FIR. According to the FIR, ten accused persons named in FIR and two unknown persons assaulted on him and one Umesh and Vinod, resulting into injuries to them. The role attributed to the present applicant is that he has assaulted by means of stick.

It is also submission of the applicant before this Court that there is a long standing dispute between complainant party and accused party. Even this fact is admitted in the reply filed by prosecution opposing this application.

It is further submission of learned counsel for applicant that though date of incident is 14.03.2019, there is a delay of two days in lodging the report. He also invited my attention to the report lodged by Raosaheb Sable on 14.03.2019 in respect of the incident with Police Station, Akot, on the basis of which Crime No.135/2019 for an offence punishable under Sections 143, 147, 148, 324, 323 and 504 of the Indian Penal Code was registered and in the said, injured in present crime are the accused persons.

The prosecution, at least at this stage could not explain the delay.

In view of the fact that there are cross-cases and there is a delay on the part of present applicant, in my view, applicant, who is a senior citizen, can be protected by passing suitable orders. Consequently, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with in connection with Crime No.142/2019, registered with Police Station, Akot (rural), Tq. Dist. Akola for an offence punishable under Sections 143, 147, 148, 149, 324, 323 and

326 of the Indian Penal Code, applicant-Govardhan Uttamrao Sable be released on bail on he executing P.R. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Akot (Rural), twice a week i.e. on every Monday and Saturday, till filing of the charge-sheet and shall be with the investigating officer from 11:00 a.m. to 03:00 p.m.

The application is disposed of.

JUDGE

kahale