

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

CRIMINAL APPLICATION (ABA) NO.621/2019

Pravin s/o Chandradarshan Rangari Vs. State of Maharashtra, through PSO
P.S. Kotwali, Nagpur.

WITH

CRIMINAL APPLICATION (ABA) NO.625/2019

Gaurav s/o Bhauraoji Dhande and another Vs. State of Maharashtra,
through PSO P.S. Kotwali, Nagpur.

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

Court's or Judge's orders.

Mr. O.K. Masurke, Advocate for applicants.
Mr. S.M. Ghodeswar, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : SEPTEMBER 23, 2019

These two applications are heard together and they are disposed of by this common order since both these applications are arising out of Crime No.231/2019 registered with Police Station, Kotwali, Nagpur for an offence punishable under Sections 353, 435, 336, 143, 147, 149, 186, 427 of the Indian Penal Code read with Section 135 of the Bombay Police Act.

Heard Mr.Masurke, learned counsel for applicants and Mr.Ghodeswar, learned Additional Public Prosecutor for non-applicant-State. Also perused the reply as well as investigation papers.

On 30.07.2019, one Anand Shirpurkar was murdered and in connection of the said murder Ritesh Shivrekar was arrested and was behind the bars. In the

present case, first informant is Tirath Shivrekar, who is father of Ritesh, accused in Anand Shirpurkar's murder case. First information report is dated 01.08.2019 in respect of the incident dated 31.07.2019 occurred at about 08:30 p.m. As per report, when the first informant Tirath was in his house he heard commotions therefore he came out of his house and he noticed a group of persons and they were shouting that they wish to take revenge of murder of their friend and the group damaged two two-wheelers.

In the first information report, name of applicant-Pravin Rangari in Criminal Application (ABA) No.621/2019 is not taken. Similarly, the name of applicant no.2 – Rohan Dhudhkavade in Criminal Application (ABA) No.625/2019 is also not taken. The name of applicant-Gaurav Dhande is taken in the first information report by the first informant-Tirath Shivrekar. Perusal of the first information report would show that accused persons; Pritish Rangari, Vikky Tiwari and Anand Ramteke set two two-wheelers ablaze. Specific role is attributed to accused Anand Ramteke. It is reported to the Court that Pritish Rangari, Vikky Tiwari and Anand Ramteke are arrested and they were released on regular bail.

Role attributed to the present applicants in the prosecution case is that they have pelted stones. Nothing is to be recovered from them. There are no specific allegation against the present applicants that they have set the motorcycles ablaze. According to reply, the custodial presence of the present applicants is necessary to ascertain

the names of the other persons consisting of the mob.

It is to be noted that in Criminal Application (ABA) No.621/2019 ad interim order dated 11.09.2019 was passed by this Court by directing the applicant that he shall join the investigation. There is no dispute that applicant has joined investigation.

In view of the aforesaid nature against present applicants, in my view both applications can be considered favourably. Consequently, I pass following order.

ORDER

(i) Criminal Application (ABA) No.621/2019 and Criminal Application (ABA) No.625/2019 are allowed.

(ii) Applicant-Pravin s/o Chandradarshan Rangari in Criminal Application (ABA) No.621/2019 in the event of his arrest in connection with Crime No.231/2019 registered with Police Station, Kotwali, Nagpur for an offence punishable under Sections 353, 435, 336, 143, 147, 149, 186, 427 of the Indian Penal Code read with Section 135 of the Bombay Police Act, be released on bail on he executing P.R. Bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

(iii) The applicant is directed to attend police station as and when his presence is required for that the investigating officer shall give one day clear cut written notice to the applicant.

(iv) Applicant No.1-Gaurav s/o Bhauraoji Dhande and applicant No.2-Rohan s/o Ravindara Dhudhkavade in Criminal Application (ABA) No.625/2019 in the event of

their arrest in connection with Crime No.231/2019 registered with Police Station, Kotwali, Nagpur for an offence punishable under Sections 353, 435, 336, 143, 147, 149, 186, 427 of the Indian Penal Code read with Section 135 of the Bombay Police Act, be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- each, with one solvent surety in the like amount.

The applications are disposed of.

JUDGE

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