

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

CRIMINAL APPLICATION (BA) NO.880 OF 2019

Nandu Bhaurao Chavan .Vs. State of Maharashtra, PSO, Malegoan, Tah.
Malegaon, Dist. Washim.

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

Mr. R.S. Kurekar, Advocate for applicant.
Mr.S.S. Doifode, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 09, 2019

Heard Mr.Kurekar, learned counsel for the applicant and Mr.Doifode, learned Additional Public Prosecutor for the non applicant-State. Also perused the reply filed on behalf of the State.

The applicant is arrested on 17.08.2019 in connection with Crime No.276/2019 registered with Police Station, Malegaon, Tah. Malegaon, Dist. Washim for an offence punishable under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Sections 4 and 25 of the Arms Act Act.

The allegation against the present applicant as it could be seen from the first information report lodged by Indrapalsingh Kailasingh Thakur on 17.08.2019 is that there is long standing dispute between his father Kailashsingh and elder brother Birjusingh on one hand and one Nandu, Mangesh, Sachin, Sonu, Baburao Chavan and one Shubham

Shinde in respect of open land situated behind motor garage of Birjusingh. According to the report, on 16.08.2019, in the afternoon, when erection of gate was going on in the said land, at that time the opposite party came there and obstructed erection of the same resulting into initially verbal altercation and subsequently assault on Kailasingh and the first informant. The first information report do show the presence of the applicant on the spot. Though, in the first information report it is stated that the present applicant was holding iron rod, the first information report is conspicuously silent that he has used the said deadly weapon in the assault made on injured Kailash and Indrapal. According to the prosecution, the applicant and others were using abusive language and co-accused persons assaulted on the injured persons.

From the first information report and from the investigation papers, it is clear that there is no specific role attributed against the present applicant. Even there is no specific words by which it could be said that the applicant was instigating others. The role attributed to the applicant is that he was using abusive language.

Learned Additional Public Prosecutor submits that after the arrest nothing was seized from the a present applicant.

In view of the aforesaid though charge-sheet is not filed, in my view, applicant need not continue his custodial presence. Consequently, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant – Nandu Bhaurao Chavan be released on bail in connection with Crime No.276/2019 registered with Police Station, Malegaon, Tah. Malegaon, Dist. Washim for an offence punishable under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and Sections 4 and 25 of the Arms Act Act, 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, Malegaon twice in a week i.e. on Friday and Tuesday and shall be with the investigating officer from 11:00 a.m. to 03:00 p.m. till filling of the charge-sheet.
- (iv) After filing of the charge-sheet applicant is directed to attend Police Station, Malegaon once in a month i.e. on third Sunday of each month, till culmination of the trial.
- (v) The application is disposed of.

JUDGE*srwagh*