

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (ABA) NO. 644/2019
(Sindhu w/o Gajanan Meshram and others vs. The State of Maharashtra)

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

Court's or Judge's order

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 Mr. PR.Agrawal, Adv.for applicants
 Mr. I J Damle, APP for respondent

CORAM : MRS.SWAPNA JOSHI, J.

DATED :14th October, 2019

The applicants apprehend arrest in connection with Crime No. 185/2019 registered with the Chandur Railway Police Station for offence punishable u/ss. 143, 147, 148, 149, 307, 323 and 506 of the IPC and Section 135 of the Bombay Police Act.

Heard both the sides at length. Perused the FIR.

The learned Advocate for the applicants submits that on 30.8.2019 one Narendra Meshram, who is the brother- in-law of applicant nos.1 and 3 lodged the report against one Mangesh Prakash Kaware for the offence punishable u/s 302 of the IPC in connection with Crime No.179/2019. He submitted that on 6.9.2019 the complainant, namely, Rekha Kaware, who is the mother of Mangesh, lodged a counter report vide Cr. No.185/2019 for the aforesaid offences. The learned Advocate submits that the allegations against the applicants are that on 30.08.2019 the applicants along with other co-accused persons assaulted the husband of complainant with fists and kicks and wooden sticks. It is submitted that custodial interrogation of the applicants is not required as such, as the specific allegations

against them are that they had instigated the co-accused to assault the husband of the complainant, namely, Prakash.

The learned APP opposed the relief claimed by the applicants and submitted that the applicants have played a major role in instigating the co-accused.

After hearing both sides and on a perusal of the FIR dated 30.08.2019, it appears that the applicants have instigated the co-accused to assault the victim-Prakash. It is further revealed that as many as five co-accused are already arrested by the Police.

Considering the nature of allegations and the offence and also considering the fact that five co-accused have already been arrested by the police, in my opinion, custodial interrogation of the present applicants is not required as such.

For the reasons aforesaid, the ad-interim relief granted by this Court on 25th September, 2019 is hereby confirmed, on same conditions.

The Criminal Application stands disposed of.

JUDGE

Sahare