

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

CRIMINAL APPLICATION (ABA) NO.660 OF 2019

Pravin s/o Vasudeo Surwade .Vs. State of Maharashtra, PSO, P.S. Khadan,
Tah. & Dist. Akola.

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

Mr. R.M. Tahaliyani, Advocate for applicant.
Mr.N.B. Jawade, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 07, 2019

Heard Mr.Tahaliyani, learned counsel for the applicant and Mr.Jawade, learned Additional Public Prosecutor for non applicant-State. Also perused the first information report and investigation papers which are placed before me.

The applicant is apprehending his arrest in connection with Crime No.450/2019 registered with Police Station, Khadan, Tah & Dist. Akola for an offence punishable under Sections 324, 325 and 326 read with Section 34 of the Indian Penal Code.

According to the prosecution, injured Dinesh Pawar lodged his report, on 30.08.2019 stating therein that on the said date at 00:20 hours when he was returning from his job to his house, two unidentified persons came and assaulted him by wooden stick, fist and kick blows resulting into injuries. The investigation papers would reveal that

initially injured was taken to the Government Medical College and Hospital, Akola and thereafter he was shifted to Vidarbha Hospital, Akola. He took his further treatment to Ozone Hospital, Akola and on 07.09.2019, he is discharged from the hospital.

As per prosecution case, on 02.09.2019 supplementary statement of complainant was recorded in which he disclosed name of present applicant as assailant.

Submission of prosecution witnesses including the first informant and his father would reveal that one Vijay Gulhane stays in their neighbourhood. Similarly, present applicant is next door resident of the injured. According to the statement of the prosecution witnesses, there was an agreement of sale between the applicant and Vijay Gulhane and in spite of that the injured and his father tried to purchase the said property and therefore the said Vijay Gulhane was keeping grudge and in that matter, he was assaulted.

Applicant who is next door resident of injured, was not included in the first information report. On the contrary, he lodged report against unidentified persons and after three days, he improved the version. From statements of the prosecution witnesses, it appears that there is dispute in respect of the property.

In that view of the matter and in view of the fact that name of the applicant appeared only after three days of the incident, I pass following order.

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.450/2019 registered with Police Station, Khadan, Tah & Dist. Akola for an offence punishable under Sections 324, 325 and 326 read with Section 34 of the Indian Penal Code, applicant-Pravin s/o Wasudeo Surwade be released on bail on he executing PR. Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (iii) Applicant is directed to attend Police Station, Khadan twice in a week i.e. on every Thursday and Friday and shall with the investigating officer from 11.00 a.m. to 05:00 p.m., till filing of the charge-sheet.

The application is disposed of.

JUDGE

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