

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

CRIMINAL APPLICATION (ABA) NO. 680 OF 2019

Prakash s/o Laxman Mawle .Vs. State of Maharashtra, PSO, P.S. Ural, Tal.
Balapur, 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.J.Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : OCTOBER 10, 2019

Heard Mr. Tahaliyani, learned counsel for the applicant and Mr. Ghurde, learned Additional Public Prosecutor for the non applicant-State. Also perused the detailed reply filed on behalf of the prosecuting agency.

The applicant is apprehending his arrest in connection with Crime No.233/2019, registered with Police Station, Ural, Tq. Balapur, Dist. Akola for an offence punishable under Section 307 read with Section 34 of the Indian Penal Code.

From the reply it is clear that there is a dispute in respect of agricultural land between present applicant and the informant. On close scrutiny of the reply would reveal that on the day of the incident i.e. on 17.08.2019 there took a free fight in between two groups consisting of the present applicant and group consisting of informant Raju Nandanne, resulting into registration of two crimes i.e. Crime No.232/2019 and Crime No. 233/2019 on the basis of report lodged by accused till Crime no.232/2019.

Reply would reveal that accused in Crime No.232/2019, was arrested and he is already released on regular bail. Reply would show that in view of the interim order dated 25.09.2019 the applicant had attended the police station and has joined the investigation.

Since, there was free fight between two groups resulting into registration of counter first information report against each other and both parties have received injuries and both are discharged from the hospital thereby possibility of culminating the offence into more graver one is completely ruled out, in my view application can be considered favourably. Consequently, I pass following order.

ORDER

- (i) The Criminal Application is allowed.
- (ii) In the event of arrest in connection with Crime No.233/2019, registered with Police Station, Ural, Tq. Balapur, Dist. Akola for an offence punishable under Section 307 read with Section 34 of the Indian Penal Code, applicant-Prakash s/o Laxman Mawle 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) Applicant is directed to attend Police Station, Ural as and when directed by the investigating officer, however for the the investigating officer shall give three days prior written communication to the applicant.

The application is disposed of.

JUDGE

