

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

CRIMINAL APPLICATION (ABA) NO. 714 OF 2019

Sopan s/o Raju Baghe .Vs. State of Maharashtra, PSO, P.S. Jalgaon Jamod,
Tq. Jalgaon Jamod, Dist. Buldana.

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

Mr. A.V. Bhide, Advocate for applicant.

Mr. J.Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 13, 2019

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

Applicant is apprehending his arrest in connection with Crime No.296/2019 registered with Police Station, Jalgaon Jamod, Dist. Buldana for an offence punishable under Sections 147, 148, 149, 353, 332 read with Section 34 of the Indian Penal Code.

The reply filed on behalf of the prosecution would show that Umesh Dabhade, a Talathi lodged report stating therein that on 18.05.2019 as per instructions he was doing work of digging pits in order to deter illegal sand transportation. At that time one Vinod Wankhede was also with him. That time present applicant Sopan Baghe and other co-accused persons prevented Umesh from discharging his public duty and he was assaulted by means of iron chain, fist and kick blows resulting into sufferance of seven injuries.

The report would show that first informant and his companion Vinod was assaulted by Amol Suryawanshi, Vishal Suryawanshi, Mangalsingh Suryawanshi and Gajanan Paraskar by means of deadly weapon iron chain. The role attributed to the present applicant is that he used the force of fist and kick blows while making assault on the first informant and his associate.

The learned counsel for the applicant invited my attention to the order passed by this Court (Coram : Manish Pitale, J.) on 11.06.2019 in Criminal Application (ABA) No.342/2019 filed by Amol Suryawanshi and others. Their application for anticipatory bail was granted and they are already released on bail.

In view of the fact that the accusation of using deadly weapon was against Amol Suryawanshi and others and they are already released on bail by this Court, I see no reason to deny relief of anticipatory bail in favour of the present applicant, who even according to the prosecution, used the force of kick and fist blows.

The applicant was protected by this Court on 17.10.2019 with a direction that he shall attend Police Station, Jalgaon-Jamod, Dist. Buldhana from 21.10.2019 to 29.10.2019 and to be with the investigating officer from 11:00 a.m. to 05:00 p.m. The learned counsel's statement that the applicant has attended the police station and joined the investigation is not at all disputed by the learned Additional Public Prosecutor on the instructions from the investigating officer. Resultantly, in view of the aforesaid

facts as mentioned which are culled out from the prosecution case, I pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.296/2019 registered with Police Station, Jalgaon-Jamod, Tq. Jalgaon-Jamod, Dist. Buldana for an offence punishable under Sections 147, 148, 149, 353, 332 read with Section 34 of the Indian Penal Code, applicant – Sopan S/o Raju Baghe, 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.

The application is disposed of.

JUDGE

srwagh