

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

CRIMINAL APPLICATION (ABA) NO. 733 OF 2019

Devidas Govind Solanke and others .Vs. State of Maharashtra, PSO, P.S.
Balapur, 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. D.Dhande, Advocate for applicant.
Mr. V. A. Thakare, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : NOVEMBER 11, 2019

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

The applicant nos. 1 and 2 are husband and wife and applicant no.3 is their nephew. On 03.10.2019, two crimes were registered with the Police Station, Balapur. First Crime No. 398/2019 is registered for an offence punishable under Sections 354, 324, 323, 504 and 506 of the Indian Penal Code and another Crime No. 399/2019 is registered for an offence punishable under Sections 354, 324, 504, 506 read with Section 34 of the Indian Penal Code.

First Crime No.398/2019 is registered on the basis of complaint lodged by applicant no.2 – Saraswatibai Solanke against Tejram Solanke, Bhanubai Solanke and Wasudeo Solanke.

Crime No.399/2019 is registered in view of the report lodged by Wasudeo Solanke accused in Crime

No.398/2019. Thus, there are counter cases in respect of the same incident. The accused persons involved in these two crimes are relatives of each other and dispute arose in view of the previous measurement of their agricultural land.

The applicants are apprehending their arrest in connection with Crime No.399/2019. In this crime Vasudeo and Bhagubai are injured, whereas in Crime No. 398/2019 Devidas and Saraswati (applicant nos. 1 and 2) are injured.

The learned Additional Public Prosecutor for the State has pointed out injury certificate in both crimes. It shows that injury were simple in nature, there are no fracture to the injured.

Looking to the fact that the injuries are simple in nature, I am of the view, the applicants can be protected by exercising discretionary relief in their favour. Consequently, I pass following order :

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 399/2019 registered with Police Station, Balapur, Tal. Balapur, Dist. Akola for an offence punishable under Sections 354, 324, 504, 506 read with Section 34 of the Indian Penal Code, applicant no.1 – Devidas Govind Solanke, applicant no.2 – Saraswatibai Devidas Solanke and applicant no.3 – Nivruti Kisal Rathod, be released on bail on they executing PR. Bond in the sum of Rs.10,000/-each, with one solvent surety each in the like amount.
- (iii) Applicant no.1 and 3 are directed to attend Police Station, Balapur, Tal. Balapur, Dist. Akola twice a week

i.e. on every Thursday and Saturday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. for next one month.

(iv) After one month the applicant nos.1 and 3 shall attend Police Station, Balapur, Tal. Balapur, Dist. Akola once a week i.e. on every Saturday and shall be with the investigating officer from 03:00 p.m. to 05:00 p.m. till filing of the charge-sheet.

The application is disposed of.

JUDGE

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