

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

CRIMINAL APPLICATION (ABA) NO. 738 OF 2019

Siddarth S/o Ramdas Uparwat alias Siddarth alias Balu Varote .Vs. State of
Maharashtra, through P.S.O, P.S. Khadan, Akola.

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

Court's or Judge's orders.

Mr. R.M. Tahaliyani, Advocate for applicant.
Mr. S.M. Ghodeswar, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : NOVEMBER 25, 2019

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

Applicant is apprehending his arrest in connection with Crime No.553/2019 registered with Police Station, Khadan, Akola for an offence punishable under Sections 143, 147, 148, 149, 323, 294, 324, 327, 452, 427 and 354 of the Indian Penal Code.

The incident has occurred on 13.10.2019 in between 07:00 to 07:30 p.m. Worth to mention here that in the said incident counter first information reports were lodged i.e. Crime No.552/2019 for the offence punishable under Sections 307, 324, 143, 147, 148, 149, 336, 294 and 506 of the Indian Penal Code.

As per the report, in which applicant is claiming anticipatory bail, first informant Pushpabai Sirsat states that

on the day and at the time of the incident when she along with his family members were present in the house that time fifteen accused along with 8 to 10 unidentified accused including present applicant barged inside her house. As per allegations, insofar as present applicant is concerned, that time he was holding iron pipe and he has damaged household articles of Pushpabai. In the first information report, no allegations are made against the present applicant that he assaulted on the person or any of the injured and/or he outraged modesty either of complainant or her daughter or daughter-in-law. It appears that the incident has occurred in which two groups were involved. In such situation, when there are no accusations against the present applicant that he assaulted on anybody, in my view, applicant who was protected by this Court (Coram: Rohit B. Deo, J.) on 25.10.2019 should be granted protection that leads me to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.553/2019 registered with Police Station, Khadan, Akola for an offence punishable under Sections 143, 147, 148, 149, 323, 294, 324, 327, 452, 427 and 354 of the Indian Penal Code, applicant - Siddarth S/o Ramdas Uparwat alias Siddarth alias Balu Varote be released on bail on he executing P.R. Bond in the sum of Rs.15,000/- with one solvent surety in the like amount.

(iii) Applicant is directed to attend Police Station, Khadan, Akola once a week i.e. on every Thursday and shall be 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

srwagh