

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

CRIMINAL APPLICATION (ABA) NO.31/2020

Sangita Dattatray Mahalle and ors

..VS..

State of Mah., thr. PSO PS Barshitakli, Taluka Barshitakli, Akola

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

Court's or Judge's Order

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Shri P.A.Nemade, Counsel for Applicants.
Shri S.S.Doifode, Addl.P.P. for the State.

CORAM : V.M.DESHPANDE, J.
DATED : FEBRUARY 5, 2020.

1. Heard learned counsel Shri P.A.Nemade for applicants and learned Additional Public Prosecutor Shri S.S.Doifode for the State.
2. Applicants are apprehending their arrest in connection with Crime No.421/2019 registered with Barshitakli Police Station, Akola for offences punishable under Sections 324, 452, 379, 504, and 506 read with Section 34 of the Indian Penal Code.
3. After hearing learned counsel Shri P.A.Nemade for applicants, learned Additional Public Prosecutor Shri S.S.Doifode for the State, after perusing reply and investigation papers filed on behalf of the State, and when the Court was about to reject the application, in respect of applicant No.3-Tushar Dattatray Mahalle, learned counsel for applicants submitted that he wishes to withdraw the

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application on his behalf.

4. Accordingly, the application filed on behalf of applicant No.3-Tushar Dattatray Mahalle is rejected as withdrawn.

5. Since learned counsel for applicants has withdrawn the application, in respect of applicant No.3-Tushar Dattatray Mahalle, the Court is not giving detailed reasons for dismissal of the application on his behalf.

6. Reply and investigation papers filed on behalf of the State show that First Information Report was lodged by Sau.Meera Gajanan Mahalle. As per reply, on day of incident i.e. 21.11.2019, initially Tushar Mahalle, applicant No.3, entered into house by holding a pipe and he assaulted Gajanan, the husband of Meera and, thereafter, applicant No.1-Sangita Dattatray Mahalle and applicant No.2-Dattatray Digambar Mahalle, parents of Tushar, entered into house and they assaulted by means of kick and fist blows. It is also the case of the prosecution that that time Tushar snatched gold ornament of Meera.

7. From investigation papers and from reply on behalf of the Sate, it is clear all allegations regarding injuries and snatching gold ornament are against Tushar, applicant No.3, and not against applicant Nos.1 and 2.

8. In this view of the matter, I pass following order:

ORDER

(1) The criminal application is partly allowed.

(2) The criminal application, in respect of applicant No.3-Tushar Dattatray Mahalle, is hereby rejected as withdrawn. Consequently, *interim* order granted by this Court in his favour on 16.1.2020 stands vacated.

(3) The criminal application, in respect of applicant Nos.1 and 2, is allowed.

(4) In the event of arrest of applicant No.1-Sangita Dattatray Mahalle and applicant No.2-Dattatray Digambar Mahalle, in connection with Crime No.421/2019 registered with Barshitakli Police Station, Akola for offences punishable under Sections 324, 452, 379, 504, and 506 read with Section 34 of the Indian Penal Code, they be released on bail on they executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety of the like amount.

With this, the criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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