

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

LD-VC-CRIMINAL APPLICATION (ABA) NO. 629 OF 2020

(Sheikh Arif Sheikh Nabi vs. State of Maharashtra thr. P.S.O. Arvi, Tahsil - Arvi, District - Wardha)

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

Court's or Judge's orders.

Shri M.V. Rai, Advocate for the applicant.
Shri M.K. Pathan, APP for the non-applicant - State.

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CORAM : PUSHPA V. GANEDIWALA, J.
JULY 24, 2020.

Heard Shri Rai, learned counsel for the applicant and Shri Pathan, learned APP for the non-applicant – State, through video conferencing.

The applicant is apprehending arrest in crime No. 269 of 2020 registered at Police Station, Arvi, District – Wardha, for the offence punishable under Sections 294, 332, 353 and 506 of the Indian Penal Code.

The case of the prosecution is that when the trimming of extra branches of trees were going on, by the staff of MSEDCL, 3- 4 ladies of that Ward approached and inquired about the excess bill. It is alleged that the applicant also came there and abused the personnel from MSEDCL with regard to excess bill

and assaulted him with a branch of Neem tree and thereby committed an offence restraining the informant from discharging his duties.

The learned counsel for the applicant submits that the allegations against the applicant are not sufficient to make out a case for the alleged offence punishable under Sections 353 and 332 of the IPC.

The learned APP appearing on behalf of the non-applicant – State submits that the applicant has criminal antecedents as he is facing many cases under Section 65(e) of the Maharashtra Prohibition Act.

The learned APP agrees that the alleged injury is simple and mild in nature. The application of offence punishable under Sections 353 and 332 of the Indian Penal Code in the given circumstances is doubtful. The maximum punishment provided for these offences is upto three years or fine.

Considering the nature of offence and the allegations, I am inclined to allow the present application. Hence, the following order :

In the event of arrest, the applicant – Sheikh Arif Sheikh Nabi, be released on personal bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not tamper with

prosecution witnesses.

The applicant shall cooperate with the Investigation Officer and attend the Police Station once in a week on every Thursday between 12.00 Noon and 2.00 PM.

The applicant shall not leave the local jurisdiction without prior intimation to the concerned police station.

This order be communicated to the counsel appearing for the parties, either on the email address or on Whats app or by such other mode, as is permissible in law.

JUDGE

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