

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

LD-VC-ABA NO.169 OF 2020

(Ram Shekanna Aitwar ..vs.. The State of Maharashtra, through PSO, PS Mukutban)

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

Court's or Judge's orders

Shri A.S. Dhore, Counsel for the applicant,
Shri O.A. Ghare, Counsel for the intervenor,
Shri I.J. Damle, Addl.P.P. for the non-applicant.

CORAM : ROHIT B. DEO, J.

DATED : 04-08-2020

Hearing was conducted through video conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The applicant is apprehending arrest in Crime 36/2020 registered with Mukutban Police Station, District Yavatmal for offences punishable under Sections 323, 353, 504 and 506 of the Indian Penal Code.

3. Vide order dated 26-5-2020 this Court (Coram : Manish Pitale, J.) protected the applicant subject to certain stringent conditions. It is not in dispute that the applicant has abided by the conditions and that he has not entered the premises of APMC, Zari Zamni or its Purchase Centre at Mukutban. Section 353 of the Indian Penal Code is non-bailable while the other offences are bailable. According to the State and the intervenor, the applicant has propensity to take law in his own hands

and alongwith several other accused he is facing prosecution for offence punishable under Section 307 of the Indian Penal Code. Shri Ghare, learned Counsel for the intervenor points out that the said sessions case concerns an incident which occurred in Wani APMC.

4. While I am inclined to confirm the *ad interim* protection, considering the past record of the applicant, he would have put to stringent terms and Shri Anoop Dhore, learned Counsel, on instructions, states that the applicant shall abide by the conditions scrupulously.

5. The State and the intervenor are satisfied if stringent conditions are imposed. However, both the learned Additional Public Prosecutor Shri Damle and the learned Counsel Shri Ghare would submit that one of the conditions may be that if the applicant is involved in a similar offence, that *ipso facto* may entail cancellation of bail.

6. The application is allowed.

7. In the invent of arrest in Crime 36/2020 registered with Mukutban Police Station, District Yavatmal for offences punishable under Sections 323, 353, 504 and 506 of the Indian Penal Code, the applicant be released on bail on furnishing personal bond of Rs.25,000/- with surety of like amount subject to the

following conditions.

8. The applicant shall not enter the premises of APMC Zari Zamni, District Yavatmal or its Purchase Centre at Mukutban till the criminal case is finally decided by the learned Magistrate.

9. It is noted that Shri Anoop Dhore, learned Counsel sought instructions from the applicant and the applicant has undertaken to scrupulously abide by these conditions.

10. The applicant shall cooperate with the Investigating Officer.

11. The applicant shall not influence the witnesses or the course of investigation.

12. The order be communicated to the Counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

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**Prafulla
Adgokar**

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by Prafulla
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