

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

CRIMINAL APPLICATION [ABA] NO.729 OF 2019

[Rahul s/o Gajanan Meshram and others .vs. State of Maharashtra]

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

Court's or Judge's orders

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Shri P.R. Agrawal, Advocate for applicants,
Shri I.J. Damle, APP for non-applicant-State.

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CORAM : MRS. SWAPNA JOSHI, J.

DATED : JANUARY 06, 2020.

Shri Agrawal, the learned advocate for the applicants, submits that he does not press the application so far as applicant no.1 – Rahul s/o Gajanan Meshram is concerned.

Hence, the application is **disposed of** as withdrawn in respect of applicant no.1 – Rahul s/o Gajanan Meshram.

Heard Shri Agrawal, the learned advocate for applicant no.2 Ajay s/o Chandrakant Bawanthade and applicant no.3 Pradip s/o Motiram Meshram only and Shri Damle, learned APP for the non-applicant-State.

The above named applicants apprehend arrest for the offences punishable under Sections 143, 147, 148, 149, 307, 323 and 506 of the Indian Penal Code and Section 135 of the Bombay Police Act, in connection

with Crime No.185/2019 registered at Police Station, Chandur Railway, District-Amravati (Rural).

Shri Agrawal, the learned advocate for the applicant nos.2 and 3 vehemently argued that the cousin brother of the applicants, namely Narendra s/o Motiram Meshram, has lodged the complaint against the son of the informant in respect of the offences punishable under Sections 302 and 307 of the Indian Penal Code. It is submitted that the said offences had taken place on 30.8.2019. However, as a counter blast, the present offence under Section 307 of the Indian Penal Code is lodged on 6.9.2019 in respect of the same incident, which had taken place on 30.8.2019, vide Crime No.178/2019. It is submitted that the false case has been foisted against the applicants. The said incident had taken place during the course of scuffle between the two groups. The learned advocate for the applicants submitted that already the co-accused have been released on bail on the same ground.

Shri Damle, the learned APP, opposed the said application, on the ground that the offence is of serious nature and there are counter FIRs between the two groups.

On perusal of the case papers, it is noticed that considering the nature of the offences and the role

attributed to the present applicants indicating simply their presence at the place of incident and also considering that the other accused are released on bail, on imposing certain conditions, the applicant nos.2 and 3 are entitled for anticipatory bail. Hence, the following order is passed :

O R D E R

In the event of arrest of applicants nos.2 Ajay s/o Chandrakant Bawanthade and applicant no.3 Pradip s/o Motiram Meshram in connection with Crime No.185/2019 registered at Police Station Chandur Railway, District-Amravati for the offences punishable under Sections 143, 147, 148, 149, 307, 323 and 506 of the Indian Penal Code and Section 135 of the Bombay Police Act, the applicants shall be released on bail on their executing PR Bond in the sum of Rs.15,000/- each with one or more solvent sureties in the like amount and subject to the conditions that the applicants :

- (i) shall attend Police Station Chandur Railway, District - Amravati in connection with the investigation of the said crime on every Sunday between 2.00 to 4.00 pm and cooperate with the investigating machinery.
- (ii) shall not tamper the witness of the prosecution and influence the witnesses.

(iii) Shall stay at the addresses mentioned in the application and shall not change the same without the permission of the court.

With this order, criminal application stands disposed of.

[MRS. SWAPNA JOSHI, J.]