

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

CRIMINAL APPLICATION (ABA) NO. 861 OF 2019

Ajay Dhanraj Chavhan and others .Vs. State of Maharashtra through PSO
P.S. Yavatmal (Rural), Dist. Yavatmal.

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

Court's or Judge's orders.

Mr. N.T. Gwalbanshi, Advocate for applicants.
Mr. M.J. Khan, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : JANUARY 08, 2020.

Heard Mr. N.T. Gwalbanshi, learned counsel for applicants and Mr. M.J. Khan, learned Additional Public Prosecutor for the non applicant-State. Also perused the detailed reply filed on behalf of the prosecution.

The applicants are apprehending their arrest in connection with Crime No.635/2019 registered with Police Station, Yavatmal (Rural), Dist. Yavatmal for an offence punishable under Sections 143,147, 148, 149, 324, 326, 504 and 506 of the Indian Penal Code (IPC).

Co-accused had filed an application i.e. Criminal Application (ABA) No. 793/2019 before this Court seeking pre-arrest bail. On 10.12.2019, the said application was allowed by this Court considering the nature of the accusation made against those applicants and also considering the fact that for very same incident a counter First Information Report (FIR) i.e. Crime

No.634/2019 was lodged by one Karan Chavan.

As per prosecution case, in *Diwali* festival of 2019, on account of bursting of firecrackers, neighbour took up quarrel resulting into registration of two different crimes against each other. In the reply the prosecuting agency has stated the role played by present applicants in the incident. In paragraph 7 of the reply, it is stated that present applicant participated in the dispute and assaulted on first informant Sahadeo Pawar and one Santosh Pawar by means of fist and kick blows. In view of role attributed to the applicants, in my view, their custodial presence is not at all necessary.

On 16.12.2019, applicants were protected by interim order directing them to attend police station from 19.12.2019 to 02.01.2020 from 11:00 a.m. to 05:00 p.m. Learned Additional Public Prosecutor would submit that the applicants have scrupulously followed the condition imposed on them. Consequently, I pass the following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No.635/2019 registered with Police Station, Yavatmal (Rural), Dist. Yavatmal for an offence punishable under Sections 143,147, 148, 149, 324, 326, 504 and 506 of the Indian Penal Code, applicants – (1) Ajay Dhanraj Chavhan, (2) Rohidas Madhukar Chavan , (3) Namdev Chandu Chavhan, (5) Premdas Madhu

Chavhan and (6) Khushal Keshavrao Chavhan, be released on bail on they executing P.R. Bond in the sum of Rs.10,000/- each with one solvent surety each in the like amount.

(iii) Applicants are directed to attend Police Station, Yavatmal (Rural), Dist. Yavatmal as and when they are called by the investigating officer. However, for that the investigating officer shall give clear cut two days prior written communication to the applicants.

(iv) With this, the criminal application is allowed and disposed of.

JUDGE

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