

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

CRIMINAL APPLICATION (ABA) NO. 114 OF 2021

Shri Nagesh @ BhauraoBandu Farkunde Vs. State of Maharashtra, through
P.S.O. Durgapur, District Chandrapur.

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

Court's or Judge's Order

Shri S.V. Sirpurkar, Advocate for applicant.
Shri I.J. Damle, A.P.P. for Respondent/State with Shri A.A.
Dhawas, Advocate assist to prosecution.

CORAM :- N.B.SURYAWANSHI, J.
DATED :- 11/03/2021.

CRIMINAL APPLICATION (APPP) NO. 413 OF 2021

This application for permission to assist the
prosecution, is filed by the original complainant.

For the reasons stated in the application, the
application is allowed.

The learned Advocate is permitted to assist
the Additional Public Prosecutor for opposing the
bail.

The application is disposed of.

CRIMINAL APPLICATION (ABA) NO. 114 OF 2021

Heard learned Advocate for the applicant
and learned Additional Public Prosecutor assisted
by learned Advocate for the original complainant.

The applicant is apprehending his arrest in
connection with Crime No.24 of 2021 registered
with Durgapur Police Station, District Chandrapur
for an offence punishable under Sections 395, 450,
435, 324 and 427 of the Indian Penal Code.

The incident has occurred on 26/01/2021. A mob of approximately 10 to 15 persons including men and women entered the residence of complainant's husband Parshuram. One person assaulted the complainant by banging her head on the wall. He allegedly stole a mangalsutra which the complainant was wearing and someone allegedly stole some cash. It is alleged that the mob caused damage to household articles and the vehicles parked in the vicinity.

Admittedly, the name of the applicant is not mentioned in the First Information Report as well as in the supplementary statement recorded during the course of investigation. No specific role therefore is attributed to the applicant.

On 25/02/2021, the applicant was granted interim protection and applicant has attended the police station.

The learned Additional Public Prosecutor vehemently submitted that the applicant has not co-operated in the investigation. That statement cannot be accepted in view of the fact that the applicant has attended the police station as directed by this Court.

The learned Additional Public Prosecutor further submitted that there are 17 to 18 offences registered against the applicant and therefore, he has a criminal history. On going through the investigation papers, it appears that almost all the

offences are under the Maharashtra Prohibition Act.

Apart from the above, co-accused Satish son of Chandu Durge who appears to be similarly situated like the present applicant has been granted anticipatory bail by this Court vide order dated 05/03/2021. Therefore, on the ground of parity, the present applicant also deserves the same relief.

As stated by the learned Additional Public Prosecutor, all the accused except two (including present applicant) are arrested.

In that view of the matter, the application deserves to be allowed and the same is hereby allowed by confirming the interim order passed on 25/02/2021.

The applicant shall attend concerned police station as and when called by the investigating officer, till the filing of the charge-sheet.

The applicant shall not make any attempt directly or indirectly to influence the witnesses or tamper with the evidence.

The applicant shall not, while on bail, indulge in any bodily offence or offence punishable under the Act, or any offence similar to the prosecutions which he is facing.

Criminal Application No.114 of 2021, is therefore disposed of.

JUDGE