

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APPLN) NO. 27 OF 2021

(Amit s/o Vijay Kumar Verma and others vs. State of Maharashtra and others)

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S. G. Karmarkar, Advocate for applicant.
Mr. S. D. Sirpurkar, APP for respondent No.1.
Mr. R. R. Prajapati, Advocate for respondent Nos.2 and 3.

CORAM : MANISH PITALE J.

DATE : 17/08/2021

By this application, the applicants (original complainants) are seeking cancellation of bail granted to the respondent Nos.2 and 3.

2. It appears that due to a dispute regarding parking of vehicle, there has been on going quarrel between the rival parties. Initially this led to cross complaints being filed concerning offences on the one hand under Section 354 of the IPC and on the other Sections 294 and 323 of the IPC. In the said matter both parties were granted bail.

3. About 10 days after the first incident, on 30th October, 2020, it appears that the applicants approached the police station with a grievance

against respondent Nos.2 and 3 about being assaulted, leading to offences being registered under Sections 307, 354 read with 34 of the IPC. It is also an admitted position that for the same incident an FIR has been registered against the applicants at the behest of respondent Nos.2 and 3 for offences under Sections 452, 354, 294, 506, 427 read with 34 of the IPC.

4. The grievance of the applicants is that Sessions Court ought not to have granted bail to respondent Nos.2 and 3 in connection with the said FIR. It is further pointed out that insofar as respondent No.3 is concerned, even the condition imposed by order dated 23/12/2020 directing the respondents not to enter Paratwada town has been relaxed by a subsequent order dated 10/03/2021. It is submitted that the offences are serious, there was bodily injury caused to one of the applicants and that there is every possibility of the situation flaring up further if the bail granted to respondent Nos.2 and 3 is not cancelled.

5. This Court has perused the orders dated 23/12/2020 and 10/03/2021 passed by the Sessions Court, whereby conditional bail was granted and subsequently one of the conditions was relaxed

insofar as respondent No.3 is concerned. The genesis of the matter appears to be a dispute arising between the parties concerning parking of their vehicles. The dispute has obviously taken an ugly turn, with physical assault being launched by the rival parties against each other. It is perhaps to ensure that there is no further such incident that by order dated 23/12/2020, the Sessions Court imposed a specific condition on respondent Nos.2 and 3, not to enter Paratwada town and not to tamper with the prosecution witnesses or to threaten them.

6. It appears that subsequently, the Court relaxed the aforesaid condition insofar as respondent No.3 is concerned. A perusal of the order would show that respondent No.3 is Senior Citizen aged 62 years and no specific overt act was attributed to him in respect of the incident in question. These factors were taken into consideration while relaxing the said condition.

7. Having heard the learned counsel for the rival parties, this Court is of the opinion that while granting bail in the first instance, the Sessions Court was conscious of the fact that the parties were required to be kept away from each other so as to ensure that no further incident took place. The

relaxation of condition subsequently granted insofar as respondent No.3 is concerned, also appears to be based on proper appreciation of the material on record. The record shows that the respondent No.3 is a Senior Citizen and that there is no specific overt act attributed to him insofar as the incident is concerned.

8. In view of the above, this Court finds that the applicants have failed to make out a case for cancellation of bail, particularly when no incident of any kind is reported after 10/03/2021, when the condition imposed on respondent No.3 was relaxed.

9. In view of the above, the application is dismissed.

JUDGE