

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

CRIMINAL APPLICATION [BA] NO. 243/2021.

Deepaksingh Tryambakrao Deshmukh and another.

-VERSUS-

State of Maharashtra.

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

Court's or Judge's Orders

Shri M.P. Karia, Advocate for Applicants.

Ms. S. Jachak, A.P.P. for the Non-applicant.

Shri J.D. Bastian, Advocate, h/f. Shri M.B. Naidu, Advocate
for the Informant.

CORAM : VINAY JOSHI, J.

DATE : APRIL 19, 2021.

Heard learned Counsel for the parties
through video conference.

2. Applicants are seeking regular bail in connection with Crime No. 189/2021 registered at Arvi Police Station, District Wardha for the offence punishable under Sections 307, 436, 506[2], 427 read with 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act. Applicants have prayed for bail by contending that out of a civil dispute in between two brothers, they has been falsely

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implicated in the case. It is argued that soon after the arrest, applicants have filed a statement to the Magistrate contending the reasons for false implication. Moreover, it is contended that the applicant no.1 is 70 years of old and applicants have already faced custodial interrogation.

3. The State resisted the bail by filing reply affidavit. It is stated that applicants were arrested from the place of occurrence. The entire incident is captured in CCTV camera and yet investigation is going on.

4. The informant who is nephew of the applicant no.1 has stated about the occurrence of incident. He has stated that there was a trite property dispute between his father and applicant no.1. On the date of occurrence, applicants came to the Ginning Mill of the informant along with sword and petrol can. They threatened the informant to kill and by pouring petrol on his person tried to set him on fire. Moreover, applicant no.1 set fire to the material kept in the Ginning Mill.

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5. Undisputedly, there appears to be a dispute between two brothers. Applicants came to be arrested on 28.02.2021 i.e. near about 3 months period is over. Though State contended that the petrol can is yet to be seized, however, applicants have already faced custodial interrogation and are in Magisterial custody.

6. Admittedly no injury was caused to the informant at the relevant time. Having regard to the date of arrest, the investigation is practically over. Considering the accusation the custodial interrogation of applicants is not necessary. However, in order to eliminate the chances of tampering, certain conditions can be imposed. In view of that, following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants/accused – Deepaksingh Tryambakrao Deshmukh and Arvind Govnidrao Nasre are ordered to be released on bail in connection with Crime No.189/2021 registered with the Non-applicant Arvi Police Station, District

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Wardha for the offence punishable under Sections 307, 436, 506[2], 427 read with 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act on their furnishing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand only) each with one or two sureties in the like amount.

- (iii) Applicants/accused shall not enter the territorial limits of Wardha District till the filing of the charge sheet.
- (iii) Applicants/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (iv) All pending Misc. Application/s, if any, also stands disposed of.

Rgd.

JUDGE