

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

CRIMINAL APPLICATION [ABA] NO. 439/2021.

Laxman Narayan Dhumale

-VERSUS-

The State of Maharashtra, P.S. Pophali, Tah. Umarkhed, District Yavatmal.

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

Court's or Judge's Orders

Shri V.N. Patre, Advocate for the Applicant.

Shri M. Khan, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : AUGUST 24, 2021.

Heard.

2. The applicant is seeking pre-arrest protection in connection with Crime No.19/2013 registered with Pophali Police Station, Tahsil Umarkhed, District Yavatmal for offence punishable under Sections 147, 148, 149, 294, 323, 324, 392 and 506 of the Indian Penal Code.

3. The State has resisted the bail by filing reply-affidavit. This Court has granted ad-interim protection to the applicant vide order dated 17.07.2021, which is prevailing till date.

2

4. One Avinash lodged report on 28.02.2013 regarding alleged occurrence dated 22.02.2013 which took place in the agricultural field. It is alleged that at the instance of a land dispute, the applicant and several others have picked quarrel and threatened the informant and his family members by show of dangerous weapons. The allegations are against near about 30 persons. Particularly, it is alleged that the applicant dealt with a stick blow at the legs of the informant and had snatched Gold mangalsutra (marital cord) from the neck of the informants' wife.

5. The learned counsel for the applicant has submitted that a piece of land was owned by the co-accused Shivshankar. The applicant was cultivating the said land on share basis and as there was a dispute, Shivshankar (land owners) has already filed a Civil Suit in which injunction was operating against the informant since, prior to the alleged occurrence. Copy of the injunction order is

3

produced for perusal.

6. It is submitted that in order to give counter blast to the earlier police report filed by Shivshankar and injunction order, a false report has been lodged. It is submitted that this Court in Criminal Writ Petition has quashed the first information report against some of the co-accused.

7. The incident took place on 22.02.2013, whilst police have registered the crime on 28.02.2013. The first information report bears a reference that on the date of occurrence itself the informant has filed a report with the police, but, crime was not registered. Case diary contains the police report filed by the informant on 22.02.2013 i.e. on the date of occurrence. Certainly, said report being earlier information to police, carries importance. On reading of the said report, it reveals that nothing is mentioned about snatching of mangalsutra by the applicant. Prima facie it creates serious doubt about the allegation of robbery.

8. Any how, the alleged incident occurred in the year 2013, and after a lapse of 9 years, the applicants' liberty cannot be curtailed. The applicant can be directed to attend the police station to facilitate investigation. In view of that following order is passed.

- (i) Criminal Application is allowed and disposed of.
- (ii) The ad-interim order dated 17.07.2021 passed by this Court is hereby made absolute on same terms and conditions, with further direction to continue to attend the police station till the filing of the charge sheet, or for a period of 6 months from today, whichever is earlier.

Rgd.

JUDGE