

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

CRIMINAL APPLICATION [ABA] NO. 423/2021.

Manoj Sitaram Mishra and another.

-VERSUS-

State of Maharashtra, through PSO Ajni, District Nagpur.

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

Court's or Judge's Orders

Shri A.V. Band, Advocate for the Applicant.

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

CORAM : VINAY JOSHI, J.

DATE : SEPTEMBER 06, 2021.

Heard.

2. This application is moved seeking pre-arrest bail in connection with Crime No.304/2021 registered with the non-applicant Ajni Police Station, District Nagpur for the offence punishable under Sections 323, 326, 504 read with Section 34 of the Indian Penal Code.

3. It is the prosecution case that on 28.06.2021, both applicants have accosted the informant and assaulted him at the instance of some property dispute. Particularly, it is alleged

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that applicant no.1 Manoj Sitaram Mishra dealt blow by iron rod at the hand of the informant, while the co-accused beated him by fist blows.

4. It is argued that out of family dispute, false report has been lodged. Applicants have produced copy of a representation made to the police explaining that on the date of occurrence, the informant has assaulted and outraged the modesty of applicant no.2. Though copy of said representation is filed, however, prior to that already first information report was lodged.

5. Perused case diary and statement of eye witnesses. Medico legal injury certificate is produced to show that the informant sustained a fracture at his hand at base of second metacarpals right hand. Meaning thereby, it is a grievous hurt. It is opined that the injury was caused by hard and blunt object.

6. Police papers no where disclose that the weapon namely iron rod used in commission of the offence was seized. The main allegations of use of

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weapon for causing grievous hurt are against applicant no.1. Having regard to said fact, following order is passed.

- (i) Criminal Application as regards the applicant/accused no.2 Sunita Manoj Mishra, is hereby allowed and made absolute on same terms and conditions as were imposed vide order dated 14.07.2021, with further direction to the applicant/accused no.2 to continue to attend the police statement.
- (ii) Criminal Application as regards application /accused no.1 is dismissed.

JUDGE

Rgd.