

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

CRIMINAL APPLICATION (ABA) NO. 514 OF 2021

Abhilash S/o Raju Kalaskar and another

...Versus...

State of Maharashtra, P.S.O., P.S. Dongaon, Tah. Mehkar, Distt. Buldhana

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

Court's or Judge's orders

Shri N.B. Kalwaghe, Advocate for applicants
Shri. M.J. Khan, A.P.P. for non-applicant/State

CORAM : VINAY JOSHI, J.

DATE : 14/09/2021

Heard.

2. It is the prosecution case that on the date of occurrence, at the instance of a land dispute, both applicants along with other two co-accused assaulted the informant by means of iron strip and stick. So also informant's son was assaulted. It is alleged that at the time of incident cash amount of Rs. 20,000/- and mobile of informant has fallen down which was taken away by applicant No.1 – Abhilash Raju Kalaskar. While claiming bail, it is submitted that the incident is totally false. On the date of occurrence, the informant and his family members have assaulted the applicant and others for which police have already registered crime on the date of occurrence. As a counter blast, the present FIR has been filed. The applicants have tendered some photographs to show that they sustained injuries in the occurrence.

3. Prima facie it reveals that at the instance of a land dispute there was a fight in between the relatives. In said occurrence both side sustained injuries for which cross complaints are filed. However, it is to be noted that on the date of occurrence itself, applicant No.1 lodged report with the police for which an offence punishable under Sections 324, 323, 504 and 506 was registered against the informant and others. On the other hand, the informant has lodged existing FIR after five days i.e. on 05/07/2021 for the offence punishable under Sections 379, 324, 323, 504, 506 and 427 read with Section 34 of the Indian Penal Code. It reveals that informant was discharged on 02/07/2021, however he has lodged FIR after three days. There is substance in the applicants' submission about the suspicion about the occurrence of taking away the valuables at the time of incident. Already Police have seized weapons from the spot itself. In view of that, applicants' liberty can be protected by imposing certain conditions. Hence the following order:

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) Ad-interim order dated 17/08/2021, is hereby made absolute on the same terms and conditions.
- (iii) Applicants shall continue to attend Police Station till filing of the charge-sheet or for the period of six months from today whichever is earlier.

JUDGE