

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

CRIMINAL APPLICATION [ABA] NO. 538/2021.

Rajesh Mukesh Hate and others.

-VERSUS-

The State of Maharashtra, P.S. Achalpur, Tq. Achalpur, District Amravati.

CRIMINAL APPLICATION [ABA] NO. 547/2021.

Kesari Heera Rane.

-VERSUS-

The State of Maharashtra, P.S. Achalpur (Gramin), Tq. Achalpur, District Amravati.

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

Court's or Judge's Orders

S/Shri G.L. Agrawal, Advocate h/f. Shri H..A. Biherani,
Advocate for Applicants (ABA No.538/2021).

Shri D.S. Khushalani, Advocate for the Applicant (ABA
No.547/2021)

Ms. T. Udeshi, A.P.P. for the Non-applicant.

CORAM : VINAY JOSHI, J.

DATE : OCTOBER 11, 2021.

Heard.

2. Learned Counsel appearing for the applicants in Criminal Application No. 535/2021, prays for correction in the cause title, by replacing the word 'Paratwada' by 'Achalpur' appearing in the description of non-applicant - police station. He is permitted to do so. Necessary correction be made immediately.

3. Both applications arise out of same Crime bearing Crime No.235/2021, registered with the

2

Achalpur Police Station, Taluq Achalpur, District Amravati for offence punishable under Sections 147, 148, 149, 324, 452, 326 read with Section 34 of the Indian Penal Code, applicants are praying for pre-arrest protection.

4. It is the prosecution case that on the date of occurrence, applicant – Rajesh picked up quarrel with the informant at the instance of tap water. Rajesh then called his relative and they assaulted the informant, his wife and children.

5. Perusal of the first information report and case diary indicates that the initial allegations of beating by stone appears to be against the co-accused Ganesh [not before the Court]. The allegations of assault by means of iron rod is against one Karan and Jitu, who are not before this Court. Statements of injured were also gone into, which are on similar line.

6. Prima facie, it reveals that besides mere presence, giving abuses and threats, no further role is assigned to applicants. Having regard to these facts, applicant's liberty can be protected. Hence, the following order.

(i) Criminal Applications are allowed and

3

disposed of.

- (ii) In the event of arrest of the accused/ applicant No.1- Rajesh Mukesh Hate, applicant No.2 – Manoj Kisan Rane, applicant No.3 – Bharat Mulchand Bardela and applicant No.4 – Udit Rakesh Biwad (in Criminal Application No.538/2021) and Applicant – Kesari Heera Rane (in Criminal Application No.547/2021) in connection with Crime No.235/2021, registered with the Achalpur Police Station, Taluq Achalpur, District Amravati for offence punishable under Sections 147, 148, 149, 324, 452, 326, read with Section 34 of the Indian Penal Code, they be released on interim bail on their furnishing P.R. Bond in the sum of Rs.25,000/- each with one surety in the like amount.
- (iii) Applicants/accused to attend the concerned police station on every Sunday in between 11 a.m. to 2 p.m. till the filing of charge sheet.
- (iv) Applicants/ accused shall not tamper with the prosecution evidence in any manner.
- (v) All pending Misc. Criminal Application stands disposed of.

JUDGE

Rgd.