

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

CRIMINAL APPLICATION (ABA) NO. 619 OF 2021

Nandu s/o Vitthal Ghodke
..vs..
State of Maharashtra, thr. P.S.O.

AND

CRIMINAL APPLICATION (ABA) NO. 657 OF 2021

Sau. Archana w/o Parmeshwar Bhosale
..vs..
State of Maharashtra, thr. P.S.O.

AND

CRIMINAL APPLICATION (ABA) NO. 690 OF 2021

Vishnu s/o Ramdas Ghodke
..vs..
State of Maharashtra, thr. P.S.O.

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

Court's or Judge's orders

Shri R.L. Kadu, Advocate for applicants.
Shri A.M. Deshpande, A.P.P. for non-applicant/State.

CORAM : VINAY JOSHI, J.
DATED : 25/11/2021

Heard.

2. All these three applications are arising out of same Crime, bearing No.285 of 2021 registered with Aasegaon Police Station, District Washim for the offence punishable under Sections 143, 147, 148, 149, 452, 324, 323 and 504 the Indian Penal Code. Hence, they are kept together for disposal.

3. It is the informant's case that on the date of occurrence, all applicants along with two other co-accused entered in their house and beat the

informant's son namely Mahadev Rathod by means of iron rod and pipe.

4. Learned Counsel for applicants would submit that the allegation against applicants Nandu Ghodke and Archana Bhosale are only of giving abuses at relevant time. It is submitted that applicant Vishnu Ghodke has been falsely implicated who is a student of electrical diploma aged 22 years and residing at Akola. The non-applicant/State resisted bail by filing reply-affidavit. Case diary is produced in support of resistance.

5. Perusal of case paper indicates that the role of applicants Nandu Ghodke and Archana Bhosale was of giving abuses in filthy language at relevant time. So far as, applicant Vishnu Ghodke is concern, it is alleged by the informant that he dealt a blow by iron pipe at the hand of injured Mahadev Rathod. *Prima facie*, the said accusation does not attract the offence punishable under Section 307 of the Indian Penal Code. It reveals from the prior statement of injured Mahadev that he alleged that co-accused Anand Ghodke beat him by iron rod at his head and hand. In view of that the possibility of causing both serious injuries by main co-accused Anand Ghodke can not be ruled out. Having regard to said fact, applicants liberty can be protected by directing them to joint the course of investigation. In view of that following order is passed :

- (a) All Criminal Applications stand allowed and disposed of accordingly.
- (b) Ad-interim orders dated 22.09.2021 (in Criminal Application No.619 of 2021), 01.10.2021 (in Criminal Application No.657 of 2021) and 20.10.2021 (in Criminal Application No.690 of 2021) are hereby made absolute upon same terms and conditions.
- (c) All applicants shall continue to attend concerned Police Station on every Sunday in between 12.00 noon to 02.00 pm till filing of the charge-sheet or for 90 days whichever is earlier.
- (d) The condition in respect of applicant Vishnu Ghodke of not entering into entire Washim district, will remain in force for the period six months from today except attendance.
- (e) The 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.

JUDGE