

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

CRIMINAL APPLICATION (ABA) NO. 625/2021

(Somesh Hiranman Kadu Vs. State of Maharashtra)

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

Court's or Judge's Orders

Shri A. G.Gupta, Senior Advocate assisted by A.S. Gupta,
Advocate for applicants.

Shri A.M. Deshpande, APP for non-applicant/State.

CORAM : VINAY JOSHI, J.

DATE : 04.10. 2021.

Heard.

2. In anticipation of arrest in Crime No. 246/2021 registered with the Police Station Achalpur District Amravati for the offences punishable under Sections 143, 147, 148, 149, 394, 385, 326, 324, 323, 504 and 506 of the Indian Penal Code, the applicant is claiming for pre-arrest protection.

3. On the basis of report dated 8.8.2021 lodged by injured Nitin, Crime was registered. It is

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his case that the applicant and co-accused used to raise monetary demand to the informant's cousin namely Pawan. At said instance, there was dispute in which assailants beat Pawan by sticks and iron pipe. The informant intervened, however, sustained knife injury at his hand.

4. The learned counsel for the applicant would submit that the role assigned to the applicant was of mere presence on the spot with China Knife i.e. small knife. It is submitted that there is no allegation that the applicant dealt a blow by knife to either of the victim.

5. Perused the statements and case diary. Neither the informant nor any other has stated that the applicant has dealt a blow by knife. Though, the informant has stated that he sustained bleeding injury at his hand by knife, however, injury certificate only shows lacerated wound caused by hard and blunt object. Thus, *prima facie*, injury certificate does not support the contents of the

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report. Besides that, there are no other allegations against the applicant. Some of the co-accused were arrested and released on bail. The prosecution has not pointed out any antecedents against the applicant. In view of the above, the applicant's liberty can be protected by putting him under certain conditions. In view of that following order:-

(I) Application stands partly allowed.

(II) In the event of arrest of applicant Somesh Hiranman Kadu, he be released on bail on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(III) The applicant shall attend concerned Police Station on every Sunday in between 11.00 a.m. to 02.00 p.m. till filing of charge-sheet.

(IV) The applicant 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.

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(V) The applicant shall not enter into the limits of Achalpur Municipal Council, till filing of the charge-sheet or for the period of 60 days which ever is earlier, except for attending the police station.

(VI) The applicant's attendance at Police Station shall be deemed as custody for the purpose of Section 27 of the Indian Evidence Act.

JUDGE

ambulkar.