

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

CRIMINAL APPLICATION (ABA) NO.184 OF 2022

Sudan S/o Pujaji Kamble

Versus

State of Maharashtra, through P.S.O., P.S. Washim City, Tah. & Dist. Washim

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

Court's or Judge's Order

Shri J.B. Gandhi, Advocate for the applicant.

Shri S.D. Sirpurkar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 30/03/2022

1. The applicant is seeking pre-arrest bail in Crime No.127 of 2022, dated 15.02.2022, registered with Police Station Washim, District Washim, for the offence punishable under Sections 307, 143, 147, 148 and 149 of the Indian Penal Code against the seven accused persons including the applicant who is accused No.2.

2. In the First Information Report (FIR), it is alleged that the accused persons assaulted the complainant on his head by sword. Shri Gandhi, learned counsel for the applicant submits that the applicant is an English Teacher, working in the School at Lonar and incident took place at Washim. It is submitted that the Principal of the Maharana Pratap High School and Art Junior College had given a certificate that the applicant was present in the college till 08.00 p.m. on the date of incident. It is submitted that the said fact creates doubt about the prosecution story particularly, about the presence of the applicant at the spot. He submits that the name of the applicant was unnecessarily implicated by the complainant, out of rivalry.

3. Shri Sirpurkar, learned APP strongly opposes the application and submits that the offence is serious and the Injury Report corroborates the case of the prosecution about the assault by sword. He submits that as there is sufficient incriminating material available on the record, this Court may not consider the prayer of the applicant for grant of pre-arrest bail.

4. I have perused the Case Diary and also the contents of the FIR.

5. The statement of the injured recorded by the Police, in which he has stated that the applicant did not assault but, only Vijay Punjaji Kamble assaulted him. Moreover, the certificate filed by the applicant issued by the Principal of the College, *prima facie* creates doubts about the presence of the applicant at the relevant time in Washim. In that view of the matter, I am of the opinion that the applicant is entitled for grant of pre-arrest bail. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) Order passed by this Court on 23.03.2022, granting *ad-interim* anticipatory bail, is confirmed with modification that the applicant shall attend the concerned Police Station as and when his presence is required.

The criminal application is **disposed of** accordingly.

[ANIL S. KILOR, J.]