

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

CRIMINAL APPLICATION (ABA) NO.236 OF 2022

Rahul S/o Bhiku Sonwal

Versus

State of Maharashtra, through Police Inspector, P.S. Digras, Dist. Yavatmal

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

Court's or Judge's Order

Shri U.P. Dable, Advocate for the applicant.

Shri S.M. Ghodeswar, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 22/04/2022

1. The applicant is seeking pre-arrest bail in Crime No.1280 of 2021, dated 09.11.2021, registered with Police Station Digras, District Yavatmal, for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 307, 302, 395 read with Section 34 of the Indian Penal Code and Sections 4 and 25 of the Arms Act. It is alleged that the accused persons including the applicant assaulted the complainant and Mohammad Abid Mohammad Afzal, Shaikh Mannan @ Munna Shaikh Majid and his wife by sword, knife and iron rods.

2. Shri Dable, learned counsel for the applicant submits that there is a counter FIR which was filed by Ranjana Sohan Sirsiya wife of accused No.9, in this case. It is submitted that in fact the complainant and the other accused persons in Crime No.1279 of 2021, they assaulted the applicant and other accused persons who are named as

accused in this First Information Report (FIR) No.1280 of 2021. He therefore, submits that the applicant is falsely implicated in the alleged offence.

3. He further submits that even if, the FIR is taken on its face value, there is no role attributed to the present applicant. Accordingly, he prays for grant of pre-arrest bail.

4. On the other hand, Shri Ghodeswar, learned APP strongly opposes the application and submits that the offence is serious and there are statements of witnesses which were recorded by the Investigating Agency during the investigation, which support the case of the prosecution. He therefore, prays for rejection of the present application.

5. I have perused the Case Dairy and also the contents of the FIR.

6. In the FIR or in the statements of eye witnesses recorded by the Investigating Agency, no role is attributed to the present applicant. *Prima facie* it appears that he was present at the spot. However, including the complainant, no witnesses has attributed and role to the applicant in the alleged offence.

7. Moreover, if the allegations are taken on its face value, *prima facie* the injury report do not support the story of the

prosecution. However, as no role is attributed to the present applicant in the alleged offence, I am of the opinion that *prima facie* there is no incriminating material available on record against the applicant.

8. The Case Diary shows that the Police have already seized the weapons used in the alleged offence from the other accused persons. In that view of the matter, I am of the opinion that the present application needs to be allowed. Accordingly, I pass the following order:

- a) The criminal application is **allowed**.
- b) It is directed that in the event of arrest of the applicant in Crime No.1280 of 2021, dated 09.11.2021, registered with Police Station Digras, District Yavatmal, for the offences punishable under Sections 143, 147, 148, 323, 324, 326, 307, 302, 395 read with Section 34 of the Indian Penal Code and Section 4 and 25 of the Arms Act, the applicant shall be released on bail on furnishing P.R. Bond of Rs.15,000/- with one solvent surety in the like amount.
- c) The applicant shall attend the concerned Police Station on 28, 29 and 30th April, 2022 between

10.00 a.m. to 12.00 noon and thereafter, as and when his presence is required.

- d) The applicant shall not tamper with the prosecution witnesses.
- e) The applicant shall not leave the jurisdiction of the concerned Police station without permission of the Court.

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

[ANIL S. KILOR, J.]