

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

CRIMINAL APPLICATION (ABA) NO.477 OF 2022

Suresh S/o Makharam Rathod and others

Versus

State of Maharashtra, through P.S.O., P.S. Dongaon, Tah. Mehkar, Dist. Buldhana

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

Court's or Judge's Order

Shri S.I. Ghatte, Advocate for the applicants.

Shri V.A. Thakare, A.P.P. for the non-applicant/State.

CORAM : ANIL S. KILOR, J.

DATED : 08/07/2022

1. The applicants are seeking pre-arrest bail in Crime No.121 of 2022, dated 25.05.2022, registered with Police Station Dongaon, District: Buldhana, for the offences punishable under Sections 143, 144, 147, 148, 149, 323, 324, 325, 326, 504, 506 and 109 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. Shri Ghatte, learned counsel for the applicants submits that the present FIR is the counter blast of the FIR lodged by the applicants against the complainant and his family members in the present case. He therefore, submits that the applicants have been falsely implicated in the alleged offence.

3. The learned counsel for the applicant further submits that there is a delay of about five days in lodging the report and the only explanation which has been offered by the complainant is that there was a marriage and therefore, delay has caused.

4. It is submitted that except Sections 323 and 324, all other offences are bailable offences. Accordingly, he prays for grant of pre-arrest bail.

5. On the other hand, Shri V.A. Thakare, learned APP strongly opposes the present application. He points out from the Case Diary, the injuries caused to two persons during the alleged incident. He submits that offence is very serious as the accused had formed an unlawful assembly with the specific object to commit offence. Accordingly, he prays for rejection of the present application.

6. I have perused the Case Diary, FIR and reply of the State.

7. It appears from the Case Diary, that the applicant No.1 Suresh runs business of DJ and there was marriage of son of the complainant. The applicant No.1 with a deliberate intention played DJ in full volume and disturbed the marriage ceremony. When the complainant went to the applicant No.1 to make a request not to play DJ,

the alleged incident took place, wherein two persons sustained grievous injuries.

8. During the investigation, the Investigation Officer has collected sufficient incriminating material against the applicants. Thus, considering the seriousness of offence and severity of punishment, I am of the opinion that custodial interrogation of the applicants is necessary for recovery of weapons and for other purposes. In the circumstances, I am not inclined to grant bail. Accordingly, I pass the following order:

The criminal application is **rejected**.

[ANIL S. KILOR, J.]