

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

CRIMINAL APPLICATION (ABA) NO.800 OF 2021

Shri Manohar s/o Mahadeo Atkari,

..vs..

State of Maharashtra, thr. P.S.O. P.S. Kuhi, Tahsil Kuhi, District Nagpur.

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

Court's or Judge's orders

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

CORAM : VINAY JOSHI, J.

DATED : 04/01/2022

Heard.

2. A report has been lodged alleging that applicant has assaulted his father by means of bamboo stick at his head and hands causing grievous hurt. It is applicant's contention that out of family dispute, a false report has been lodged. It is submitted that the injury was of simple nature and the injured was discharged long back. Moreover, it is submitted that during interim protection, applicant has attended police station from whom the police have seized a bamboo stick as well as his clothes. The applicant was also got medically examined by the police.

3. Perused reply filed by the State in resistance. It is contended that the applicant has assaulted his father and caused a serious injury. There are eye-witnesses to the incident. Moreover, possibility of tampering has been expressed.

4. Learned Additional Public Prosecutor has not denied that the police have seized weapon as well as clothes of the applicant accused. Perusal of injury report indicates that though the injuries are shown to be of grievous nature, admittedly the injured is discharged. The applicant is son of deceased. No practical purpose would be served by requiring custodial interrogation. Having regard to these facts, applicant's liberty can be protected by putting him on certain terms. In view of that following order:

- (a) The application stands allowed.
- (b) Ad-interim order dated 26/11/2021 is hereby made absolute upon same terms and conditions.
- (c) The applicant shall continue to attend police station till filing of charge-sheet or ninety days whichever is earlier.
- (d) The applicant shall not tamper the prosecution witnesses in any manner.
- (e) In case of breach of condition, State is at liberty to move this Court for cancellation of bail.