



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

CRIMINAL APPLICATION (ABA) NO.636 OF 2023

Danial s/o Deepak Yemurlewar and others

Vs.

State of Maharashtra, Through P.S.O. Korpana, District Chandrapur

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

Court's or Judge's orders

Mr. S. H. Sudame, Advocate for applicants.

Ms. Mukta Kavimandan, APP for respondent/State.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 01/12/2023

1. By this application, the applicants are seeking anticipatory bail in connection with Crime No.250/2023 registered with Korpana Police Station, District Chandrapur for the offences punishable under Sections 143, 147, 148, 332 and 353 of the Indian Penal Code.

2. The applicants are apprehending arrest at the hands of police as accusation is against them on the basis of report lodged by Ganesh Shankar Daware who alleged that he is serving as Police Constable. On 01.09.2023 at Mouza Parsoda, Raipur, Govindpur, and Kothoda agriculturists were agitating for their demands and he was on a bandobast duty. At the relevant time, present applicants pelted stones and one of the co-accused Ramalu s/o Banayya Pulenwar has pelted

stone which caused injury to the informant. On the basis of said report, police have registered the crime against the present applicants.

3. Learned Counsel for the applicants submitted that as far as the allegation is concerned, the role of pelting of the stones and causing injury is attributed to Ramalu s/o Banayya Pulenwar who is not the applicant. The only allegation against the present applicants is that they have manhandled the informant. He submitted that considering the allegations physical custody of the present applicants are not required and hence, they be protected by granting anticipatory bail.

4. The learned APP for the State strongly opposed the application on the ground that present applicants are the habitual offenders, several offences are registered against them, if they are released on anticipatory bail, there is every likelihood that they would involve in similar type of offence and prays for rejection of the application.

5. Having heard learned Counsel for the applicants and learned APP for the State. Perused the FIR. As far as the allegation against the present applicants in the present crime is concerned, it is only to the extent that they have manhandled the informant and other police officials. The role of pelting stones and

caused injury to the informant is attributed to co-accused Ramalu s/o Banayya Pulenwar. Merely because the earlier offences are registered and there are antecedents is not sufficient to curtail the liberty of the present applicants. The Chart filed by the State shows that one offence each is registered against the applicant Balkrushna Vithal Kamble and four offences were registered against Danial Deepak Yemurlewar. Considering the role of the present applicants in the alleged offence, their physical custody is not required. The offences alleged are not punishable with imprisonment more than seven years. In view of that, application deserves to be allowed. Accordingly I proceed to pass following order.

ORDER

(i) The application is allowed.

(ii) The applicants namely **No.(1) Danial s/o Deepak Yemurlewar No.(2) Satish s/o Kisan Katkar, No.(3) Balkrushna @ Balkumar Vitthal Kamble, No.(4) Dinesh s/o Babarao Chandekar and (5) Jayant @ Jaywant s/o Mohan Devdhagale** are released on anticipatory bail in the event of their arrest in connection with Crime No.250/2023 registered with Korpana Police Station, District Chandrapur for the offences punishable under Sections 143, 147, 148, 332 and 353 of the Indian Penal Code, on executing PR bond of Rs.25,000/- each with one solvent surety in the like amount.

(iii) The applicants shall attend Police Station as and when required for the investigation purpose.

(iv) The applicants shall furnish their cell phone numbers and addresses with the address proof.

(URMILA JOSHI-PHALKE, J.)