



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

CRIMINAL APPLICATION (ABA) NO.736 OF 2023

(Durgaprasad @ Rama s/o Sevakram Bhairam Vs. The State of Maharashtra thr. PSO
PS Dawaniwada, Tq. Tirora, Dist. Gondia)

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

Court's or Judge's orders.

Mr. A. M. Chandekar, Advocate for Applicant.
Mr. A. G. Mate, APP for Non-Applicant/State.

CORAM: URMILA JOSHI PHALKE, J.

DATE: 5th DECEMBER, 2023.

By this application, the applicant is seeking pre-arrest bail in connection with Crime No.283/2023 registered with Police Station Dawaniwada, District Gondia for the offences punishable under sections 143, 147, 148, 149, 307, 323, 364, 427, 452 and 504 of the Indian Penal Code.

2. Heard Mr. Chandekar, the learned counsel for the applicant who submitted that the name of the present applicant is not mentioned in the FIR. He invited my attention to one application filed by Arun Sona Sonwane against one Kaushik Shankar Chaudhari alleging that said Kaushik has kidnapped his daughter. During investigation the victim was found along with the said Kaushik. There was previous dispute between present applicant informant. As per the allegation on 17.10.2023 during the Navratri period, the son of the informant Kaushik and his friend were

present village and there present in the house of informant at about 07:30 to 08:00 and at the relevant time Arun Sonwane and other co-accused came at their house and assaulted them by fists and kick blows. In the said assault the informant son has sustained grievous injuries, on the basis of said report, the police have registered the crime.

3. The learned counsel for the applicant submitted that merely it is mentioned that brother of Rameshwar was present, neither the name of the present applicant is mentioned in the FIR nor assaulted by him is alleged. As far as the allegations are concerned which are presently in nature no weapon is recovered from the present applicant. The physical custody of the applicant is not required after releasing him on ad-interim anticipatory bail he has co-operated with the Investigating Agency. In view of that the ad-interim protection granted in favour of the present applicant be confirmed.

4. The learned APP strongly opposed the application on the ground that the injured has sustained grievous injuries and present applicant along with the other co-accused in furtherance of their common object assaulted the injured, custodial interrogation is required and prays for rejection of the application.

5. Having heard the learned counsel for the applicant and learned APP for the State. Perused the recitals of the FIR as well as the statements recorded by the

Investigating Officer, admittedly no specific role is attributed to the present applicant even his name is neither mentioned in the FIR nor in the statement. Even the allegations are taken as it is, no weapon is recovered from the present applicant. In view of that the physical custodial of the present applicant is not required. Considering the statement of the learned counsel for the applicant that the applicant has attended the police station and co-operated with the Investigating Officer. His prayer for the anticipatory bail is deserves to be granted. Accordingly, I proceed to pass following order.

- [i] The application is allowed.
- [ii] In the event of arrest in connection with Crime No.283/2023 registered with Police Station Dawaniwada, District Gondia for the offences punishable under sections 143, 147, 148, 149, 307, 323, 364, 427, 452 and 504 of the Indian Penal Code is released on bail on executing PR bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- [iii] The applicant shall attend concerned police station as and when required.
- [iv] The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted

with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any Police Officer.

5. The application is disposed of.

JUDGE

NSN