



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

CRIMINAL APPLICATION (BA) NO. 20 OF 2024

SAGAR S/O BHIMRAO SONONE

Vrs.

STATE OF MAHARASHTRA

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

Court's or Judge's Order

Ms. Naina Dhoke and Shri Utkarsha Mehta, Advocates h/f Shri
Mahesh Rai, Advocate for applicant.
Shri A. R. Chutke, A. P. P. for Non-applicant-sole.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 25/01/2024.

1. The applicant came to be arrested on 02/12/2023 in connection with Crime No.401/2023 registered with Police Station, Khamgaon (Rural), Dist. Buldhana for the offences punishable under Sections 143, 146, 147, 148, 149, 325, 332, 353, 427 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law (Amendment) Act, 1932.

2. Learned counsel for the applicant submitted that the accusation against the present applicant is that two groups of different communities gathered together and there was scuffle between them. In that scuffle, they have pelted stones towards each other and the police constables, who were on Bandobast duty sustained the injuries as of the witnesses namely; Gopal Ramkrishna Tikar has also sustained the injury. On the basis of said

report, police have registered crime. He further submitted that as far as present applicant is concerned, there is general allegation against him that he pelted stones. His further custodial interrogation is not required as investigation is practically completed. In view of that, applicant be released on bail.

3. Learned Additional Public Prosecutor strongly opposed the said application on the ground that there are criminal antecedents against the present applicant. If he is released on bail, there is every likelihood that he would be involved in the similar type of offence and prays for rejection of the application.

4. After hearing learned counsel for the parties, perused the recitals of the FIR. The allegation against the present applicant is general in nature and that he along with other co-accused pelted the stones in scuffle between two groups merely because some criminal offences are registered against him. His liberty cannot be curtailed. His role in the present crime is to be taken into consideration. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order :-

ORDER

- i] The application is allowed.
- ii] The applicant - Sagar s/o Bhimrao Sonone, in connection with Crime No.401/2023 registered with Police Station, Khamgaon (Rural), Dist. Buldhana for the offences punishable under Sections 143, 146, 147, 148,

149, 325, 332, 353, 427 of the Indian Penal Code and Section 135 of the Maharashtra Police Act, 1951 and Section 7 of the Criminal Law (Amendment) Act, 1932, be released on bail on furnishing P. R. Bond of Rs.25,000/- with one solvent surety of the like amount.

iii] The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the present case.

5. The application is disposed of.

[URMILA JOSHI-PHALKE, J.]

Choulwar