

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

CRIMINAL APPLICATION (ABA) NO. 254/2020

Maniram Neu Usendi

-VERSUS-

State of Maharashtra

With

CRIMINAL APPLICATION (ABA) NO. 256/2020

Shalikrao S/o Bajirao Madavi

VERSUS

State of Maharashtra

With

CRIMINAL APPLICATION (ABA) NO. 257/2020

Karu Chamaru Gawade

Versus

State of Maharashtra

CRIMINAL APPLICATION (ABA) NO. 258/2020

Shivlal Bindoram Usendi

Versus

State of Maharashtra

CRIMINAL APPLICATION (ABA) NO. 259/2020

Barsu Mangu Duga

Versus

State of Maharashtra

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R. R. Vyas, Advocate for applicants.

Shri A Palshikar, Additional Public Prosecutor for
State/Respondent.

CORAM : VINAY JOSHI, J.

DATE : JULY 31, 2020.

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. Applicants are apprehending to be arrested in Crime No. 8/2020 registered at Pendhari Police Station, Dist. Gadchiroli for the offences punishable under Sections 353, 427, 188, 143, 147, 148, 149, 120-B of the Indian Penal Code.

3. It is submitted that the incident as alleged is improbable for the reason that though there were 50 armed Police Officers, assault was alleged to be by some of the villagers by means of sticks, knives and spears. Moreover, it is submitted that there is considerable delay in lodgement of FIR which goes to the root of the case.

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4. At the instance of report dated 06.04.2020 lodged by the Police Officers, Crime was registered. It is the prosecution case that total 49 Police personnel went to Naxalite area to arrest some suspected person of another crime. At that time, several villagers including applicants intervened the Police and assaulted by means of sticks, knives, spheres and as such resisted public servants while exercising their duty.

5. I find substance in the submissions on the point of delay. Though it is a case of assault on Police personnel, FIR was lodged after long four days. Though there are allegations that by means of weapons, Police were assaulted, the reply is silent on the point as to whether any police sustained injury. Learned Additional Public Prosecutor is unable to show any material that either of the Police sustained injuries in the incident. Some of the co-accused were arrested

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and released on bail. The purpose would be served by directing the applicants to attend concerned Police Station. Having regard to the nature of the allegations and above circumstances, this Court passe following order:-

6. In the event of arrest of Applicants namely Maniram Neu Usendi, Shalikrao Bajirao Madavi, Karu Chamaru Gawade, Shivlal Bindoram Usendi and Barsu Mangu Duga in Crime No. 8/2020 registered at Police Station Pendhari, Dist. Gadchiroli they be released on bail on their their furnishing P.R. Bond of Rs. 15,000/- with one surety of like amount each.

7. The applicants shall attend concerned Police Station on every Monday in between 10.00 a.m. to 01.00 p.m. till filing of charge-sheet.

8. The applicants shall not directly or

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indirectly make any inducement, threat or promise to any person acquainted with the facts of the case.

9. The applicants shall provide their residential addresses and cell numbers to concerned Investigating Officer and shall not change their place of residence without prior intimation to the concerned Investigating Officer.

10. This order be communicated to the counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

Gohane.

**Jitendra
Gohane**
Digitally signed
by Jitendra
Gohane
Date:
2020.07.31
18:10:49 +0530