

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.153 of 2014

Narendra s/o Hiralal Pawar.

.. Applicant.

Versus

The State of Maharashtra
And Others.

.. Respondents.

Shri. R.N. Dhorde, Senior Advocate, holding for Shri.
Abhay R. Rathod, Advocate, for applicant.

Shri. A.V. Deshmukh, Additional Public Prosecutor, for
respondent No.1.

Shri. Ujwal Patil, Advocate, for respondent Nos.2 to 4.

CORAM: T.V. NALAWADE, J.

DATE : 11th MARCH 2015

ORDER:

1) The application is filed under section 439 (2) of the Code of Criminal Procedure for cancellation of relief of anticipatory bail granted by the Additional Sessions Judge Jalgaon in Criminal Application No.1433 of 2013 in the crime registered at CR No.392/2013 for the offences punishable under sections 326, 341, 323, 504 of the Indian Penal Code. Both the sides are heard.

2) It appears that in respect of the incident dated 19-11-2013 FIR was given on 2-12-2013. The accused were known to the complainant. He has made allegation that on that date after 10 a.m. when he and one person namely Somnath Pawar, who was supplying water to the village, were on motor cycle they were intercepted by the accused as Somnath was not supplying water properly to the village. Allegations are made that when the complainant intervened then they became angry with the complainant. Allegations are made that Some persons rushed forward to rescue the applicant-complainant. Allegations are made that during quarrel, accused Bharat Lalchand gave blow of small axe on the head on the head of the complainant, accused Kailas gave blow of iron rod on the back of the complainant and accused Lalchand gave beating by fists blows and kicks. Some persons rushed forward to rescue the applicant-complainant.

3) The record shows that after the incident, police referred the applicant-complainant to Rural Hospital where he was examined. Two simple injuries were found on his person and CT scan was advised. It is the grievance

of the complainant that as proper treatment was not received in Rural Hospital he preferred to go to private hospital of Dr. Devare. It is his case that Dr. Devare found grievous injuries which were dangerous to life. He was indoor patient from 19-11-2013 to 30-11-2013.

4) The learned Senior Counsel for the applicant submitted that the learned Additional Sessions Judge has not considered these circumstances. Grievous injuries were caused by the accused. He submitted that the investigation was hampered and it was not an exceptional case in which the accused could have been granted relief of anticipatory bail.

5) This Court has gone through the investigation papers and the material produced by the applicant-complainant. The learned Additional Public Prosecutor submitted that charge sheet is filed for offence punishable under section 326 of the Indian Penal Code.

6) Cancellation of relief of anticipatory bail is a serious matter and it can be done only in exceptional

circumstances. Considering the aforesaid circumstances this Court holds that it is not a fit case to interfere in the order made by the Additional Sessions Judge.

7) In the result, the application stands rejected.

Sd/-
(T.V. NALAWADE, J.)

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