

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 466 OF 2015

Khurshid @ Bablu s/o. Najir Pathan
& Another

....Applicants.

Versus

The State of Maharashtra & Another

....Respondents.

Mr. S.J. Salunke, Advocate for applicants.

Mr. M.M. Nerlikar, APP for respondents/State.

CORAM : T.V. NALAWADE, J.
DATED : 10th February, 2015.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. During argument, the learned counsel for applicant No. 2 submits that during pendency of proceeding, the present respondent No. 2 came to be arrested and his application has become infructuous. So, the application of applicant No. 2 is disposed of as infructuous.

2. The crime is registered on the basis of report given by Dr. Rahul Zanje. The daughter of applicant No. 1 was admitted in the hospital of complainant as she was suffering from dengue fever. She was indoor patient from 7.11.2014 to 12.11.2014. She was discharged as she recovered. The amount

of Rs. 4,000/- out of the bill amount was paid by the applicant No. 1, but he did not pay remaining amount and he avoided to pay remaining amount. When ward boy was sent to residential place of applicant No. 1, amount of Rs. 1,000/- was given, but still the amount was pending. When the complainant asked the applicant No. 1 to pay the remaining amount, applicant No. 1 became angry. On the day of incident i.e. on 2.1.2015 after 9.45 p.m. applicant No. 1 came to hospital, he picked up quarrel and he created a show that he was assaulted by detaching the button of his shirt and he came out of the hospital. When the doctor/complainant came out of the hospital, the associates of the applicant No. 1 came there. One Sadik took out country made revolver and by pointing it to complainant gave threat to complainant and staff of the hospital. At that time the staff took the doctor/complainant inside the hospital and then the report came to be given. Crime is registered for offence punishable under section 504 of I.P.C. and under section 3 r/w. 25 of Arms Act.

3. The learned counsel for the applicant No.1 submitted that applicant No. 1 was not holding revolver and police should not need his custody for the purpose of investigation. It was country made revolver and so, thorough

investigation is necessary in such case. This Court holds that it is not a fit case to grant relief to applicant No. 1.

4. In the result, the application of applicant No.1 is rejected on merits. Application of applicant No. 2 is disposed of as infructuous.

[T.V. NALAWADE, J.]

ssc/