

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, orders or Registrar's	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 773 OF 2015
WITH APPLN/600/2015

YASHPAL @ ASHPAL S/O SUDHAKAR HODADE & ORS
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Bhise Bhausahab B.
APP for Respondent: Mr. A. V. Deshmukh.

CORAM: T. V. NALAWADE, J.
DATED: 20th FEBRUARY, 2015.

PER COURT:

1. Both the applications are for anticipatory bail. Both the sides are heard. During arguments, learned counsel for Applicant Shyam @ Shyamsundar Shitole submitted that, on instructions, he wants to withdraw the application. This Court has expressed that this Court is not inclined to grant relief to applicant Shyam Shitole and then this submission is made. Interim relief was not granted to him. So, the Criminal Application No.600 of 2015, to the extent of Applicant No.3 Shyam Shitole is disposed of as withdrawn.

2. The crime is registered on the basis of report given by Samadhan Shitole. He has made allegations that, in the incident dated 8th January, 2015 present applicants and Nanasaheb Rangnath Shitole gave abuses to him by taking name of his caste, which is scheduled caste. Allegations are made that during the incident Shyam Shitole gave blow of iron road on the head of complainant and Nanasaheb gave blow of wooden log on his hand and Shyam gave threat of life. Allegations are made that other accused assaulted him by giving fists and kick blows and wooden log and caused blunt injuries.

3. Learned A.P.P. submitted that there are statements of witnesses showing that all the applicants were present on the spot and they were active in incident. He placed reliance on injury certificate in respect of complainant showing that he sustained two lacerated wounds and five abrasions in the incident. They were caused by hard and blunt object. They are described as simple injuries.

4. In view of the aforesaid material and as the abuses were not given by the remaining applicants by taking name of caste of the complainant this Court holds that protection needs to be given to the other applicants.

5. In the result, Criminal Application No.773 of 2015 is allowed and application of Applicant Nos.1 and 2 from Criminal Application No.600 of 2015 is allowed. Interim relief granted in their favour is confirmed. Criminal Application No.600 of 2015 to the extent of Applicant No.3 Shyam is disposed of as withdrawn.

6. The Applicants to whom the relief is granted, are to visit the concerned police station on every Sunday between 09.00 a.m. and 12.00 p.m. for one month. They are to cooperate the police during investigation.

[T. V. NALAWADE, J.]

Dt.20/02/2015
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