

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

CRIMINAL APPLICATION NO. 1453 OF 2015

Bhikulal @ Bhika S/o Chotiram
Chungade & Ors

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. A.K.Bhosale, Advocate for Applicants.

Mr. A.S.Shinde, A.P.P. for Respondent – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 31st MARCH, 2015

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PER COURT :

1. Heard Mr. A.K.Bhosale, learned Counsel for the applicants and Mr. A.S.Shinde, learned A.P.P. for the respondent – State.

2. The applicants are seeking anticipatory bail in the event of their arrest in connection with Crime No. 20/2015 for the offences punishable u/s 395, 307 of the Indian Penal Code registered with Police Station Sillod [Rural], district Aurangabad.

3. The reply is also filed by the investigating agency in the present matter. The incident has occurred on 26/02/2015. The incident has resulted into filing of two F.I.R. with Police Station Sillod [Rural]. First F.I.R. was lodged by Supadu Salve, who is applicant No. 4 in the present application. On the basis of the said F.I.R., Crime is registered for the offences punishable u/s 324, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code and u/s 3 (1) (x) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act, 1989 vide C.R. No. 19/2015. In the said crime, the present first informant Balu Mutthe is accused No. 2.

4. Balu Mutthe who is accused in Crime No. 19/2015, lodged present F.I.R. with Police Station Sillod [Rural] vide Crime No. 20/2015 for the offences punishable u/s 395, 307 of the Indian Penal Code. Perusal of the F.I.R. shows that specific allegations are made against applicant No. 1 Bhikulal that he has given axe blow on first informant Balu Mutthe. Injury certificate and the reply of the Investigating Officer shows following injuries on the person of Balu Mutthe :

- (i) Abrasion on scalp on lower occipital area measuring 1 x 1 cm.
- (ii) Contusion of size 4 x 2 cm.
- (iii) Contusion over back on left in upper one third area.

5. The Doctor who has given the said certificate has

noted that all these injuries are simple in nature.

6. The F.I.R. further shows that the act about snatching of the chain is attributed to accused Samadhan, who is already arrested by the police.

7. Looking to the F.I.R. lodged by the present applicant No. 4 which is first in time and looking to the nature of the injuries, the application for anticipatory bail filed by the applicants can be favourably considered.

8. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) In the event of their arrest in connection with Crime No. 20/2015 for the offences punishable u/s 395, 307 of the Indian Penal Code registered with Police Station Sillod [Rural], district Aurangabad, applicant Nos. 1 to 5 be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.

(iii) Applicant Nos. 1, 3 and 4 shall attend Police Station Sillod [Rural] once a week preferably on every Saturday in between 3.00 p.m. and 4.00 p.m. till the charge sheet is filed.

(iii) With these observations, the present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1453.2015