

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 1540 OF 2015

SANDEEP MADANLAL KAGDA
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Waghmare Praveen B.
APP for Respondent : Mr.A.S.Shinde.

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CORAM : **V. M. DESHPANDE, J.**

DATE : 08th April, 2015.

Per Court:

1 The Applicant is before this Court since he is apprehending his arrest in connection with Crime No.I-46 of 2015, registered at Kranti Chowk Police Station, District Aurangabad for the offences punishable under Sections 143, 147, 148, 149, 324, 341, 307, 504 and 506 of the Indian Penal Code and Sections 4 / 25 of the Indian Arms Act.

2 I have heard Mr.P.B.Waghmare, learned counsel for the Applicant and Mr.A.S.Shinde, learned APP for the State.

3 It appears that for an occurrence dated 25th January, 2015, two first information reports were lodged with Police Station Kranti Chowk. The first, first information report is lodged by Vikas Chavriya against the present Applicant and five others. The second first information report i.e. 47 of 2015 is lodged by Bharti Chavriya, who is an aunt of present

Applicant – Sandeep Madanlal Kagda. The said offence is basically for outraging the modesty of first informant – Bharti.

4 In the first information report No. 46 of 2015 wherein the present Applicant is shown as one of the accused, accusations are that on 24th January, 2015, at 11:30 in the night when the first informant was proceeding to a Pan Shop that time in front of Hanuman Mandir, Gandhi Nagar, he was interception by the present Applicant and other four accused persons. It is alleged that, at that time, the present Applicant had given iron rod blow on the head of first informant. At the same time, it is also alleged that his brothers were also attached by other co-accused.

The allegation in the first information report in so far as the present Applicant is concerned that he has given iron rod blow on the head of the first informant. Learned APP Mr.A.S.Shinde made a specific statement upon instructions from the Investigating Officer that the first informant Vikas Chavriya did not suffer any injury on any part of his body much less on the head as alleged by him in the first information report. Further, in the entire investigation papers, there is no injury certificate of the first informant. The injury certificate which is part and parcel of the investigation papers of one Mr.Vishal Chavriya, who has suffered an injury on the middle of left arm. However, in so far as assault on Vishal Chavriya is concerned, there are no accusations that the present Applicant has given any blow. Therefore, the present Applicant cannot be held responsible or he is not the author of the injury suffered by Vishal Chavriya. In that view of the matter, the present Applicant has made out

a case in his favour for grant of anticipatory bail.

5 Hence, I pass the following order:

- I. Criminal Application No.1540 of 2015 is allowed.
- II. In the event of arrest of Applicant – Sandeep Madanlal Kagda in connection with Crime No.I-46 of 2015, registered at Kranti Chowk Police Station, District Aurangabad for the offences punishable under Sections 143, 147, 148, 149, 324, 341, 307, 504 and 506 of the Indian Penal Code and Sections 4 / 25 of the Indian Arms Act, the Applicant shall be released on anticipatory bail on he executing P.R. Bond of Rs.5,000/- with one solvent surety of the like amount.
- III. With this observation, the criminal application is disposed of.

[V. M. DESHPANDE, J.]

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