

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

CRIMINAL APPLICATION NO. 1647 OF 2015

Arun s/o Ambadas Pawar

.... APPLICANT

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

.....

Mr.N.L.Jadhav ,Advocate for Applicant.

Mrs. V.A.Shinde, A.P.P. for R – 1 State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 10th APRIL, 2015

.....

PER COURT :

1. By the present application, the applicant who is apprehending his arrested in connection with Crime No. 19/2015 for the offences punishable u/s 326,323,504,506 read with 34 of the Indian Penal Code registered with police station Shiradhon, Tq. Kallam, Dist. Osmanabad is claiming anticipatory bail.

2. Heard Mr.N.L.Jadhav, learned Counsel for Applicant and Mrs. V.A.Shinde, learned A.P.P. for respondent

No. 1 – State. Learned A.P.P. has also made available the investigation papers for the perusal of the Court.

3. First Information Report [for short, ‘ F.I.R.’] was lodged on 26/02/2015 by injured Vinod Murlidhar Pawar. The accusations which are made in the F.I.R. are like, that on 26/02/2015 when the first informant was in front of his house, present applicant along with other co-accused came near him and asked that the first informant shall not unnecessarily interfere or shall not participate in the politics in respect of changing of the Gramsevak. That time, there were verbal exchanges and immediately the present applicant has given blow by means of iron pipe rod on his head, due to which he has suffered injury. It is also alleged that the present applicant has also given pipe blow on the back and abdomen of the first informant.

4. The applicant, prior to approaching this Court, moved an application for anticipatory bail before the learned Sessions Judge, Osmanabad. Vide Order dated 18/03/2015, learned Sessions Judge rejected Bail Application No. 70/2015 on the ground that the custodial interrogation of the applicant is required for the seizure of weapon, which was used for the commission of the offence. Learned Sessions Judge observed that all the injuries appearing on the person of the first informant are simple in nature. Thus, it is clear that anticipatory bail was rejected only on the ground that the custodial presence of the applicant is required for the recovery of weapon.

5. Learned A.P.P. handed over to me the investigation papers. It contains Spot Panchanama which was drawn by the Investigating Officer in presence of panchas on 26/02/2015 i.e. on the day of the incident. Spot Panchanama shows that the Investigating Officer has seized iron pipe and stone, which according to the prosecution, are the weapons used by the present applicant. Thus, on 26/02/2015 itself, weapons are seized from the spot. In that view of the matter, custodial presence of the present applicant is not at all required.

6. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) In the event of his arrest, in connection with Crime No. 19/2015 for the offences punishable u/s 326,323,504,506 read with 34 of the Indian Penal Code registered with police station Shiradhon, Tq. Kallam, Dist. Osmanabad, applicant Arun s/o Ambadas Pawar be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety.

(iii) The applicant shall attend police station Shiradhon twice a week preferably on every Monday and Wednesday in between 10.00 a.m. and 2.00 p.m. till the charge sheet is filed.

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

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1647.2015