

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2362 OF 2015.

SHIVAJI S/O SITARAMJI KHISTE & ORS.

VERSUS

THE STATE OF MAHARASHTRA.

Appearance =>

Mr. D.A. Mane, Advocate h/for Mr. Nilkanth R. Pawade, Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

Application is dismissed against Applicant No.1 – Shivaji vide order dated 5th May, 2015.

CORAM : V.M. Deshpande, J.

DATE : 10th June, 2015.

Per Court :-

Present Criminal Application is filed by Applicant Gajanan Madhukar Chavan and Applicant Nagesh Ashok Kanthala Swami for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No.71/2015 registered with Police Station, Mondha, District – Parbhani, for the offences punishable under Section.s. 326, 325, 504 read with 34 of the Indian Penal Code.

[2] Heard Mr. D.A. Mane, Advocate h/for Mr. Nilkanth R. Pawade, Advocate for the Applicants and Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of Maharashtra.

[3] First Informant is one Govind Khiste, who is injured. First Information Report shows that, Govind is having four brothers namely Gopalrao, Shivajirao, Sureshrao and Purushottam. These brothers holds extensive agricultural lands at Parbhani and also plot at Parbhani.

First Information Report shows that, on 9th April, 2015 meeting was called in between brothers for disposal of the agricultural lands, to which one brother – Shjivaji was opposing.

According to the First Information Report, that time, present Shivaji called Nagesh Swami and Gajanan Madanrao Chavhan who are applicants and they caught hold Govind, and thereafter Shivaji gave blow of pointed article to his abdomen and assaulted on him by stick.

[4] Looking to the nature of such accusation made against the present applicants, their custodial presence is not required. In that view of the matter, I pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Interim order dated 5th May, 2015 granted in favour of Applicant No.2 – Gajanan Madhukar Chavan and Applicant No.3 – Nagesh Ashok Kanthala Swami stands confirmed.

(V.M. DESHPANDE, J.)