

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

CRIMINAL APPLICATION NO. 2418 OF 2015.

**VIRENDRA S/O CHANDRAKANT SANAP.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. A.R.Hange, Advocate for the Applicant.

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

CORAM : V.M. Deshpande, J.

DATE : 22nd June, 2015.

Per Court :-

Present Criminal Application is filed by the Applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No.14/2015 registered with Police Station, Shirur Kasar, District – Beed for the offences punishable under Section/s 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

[2] Heard Mr. A.R.Hange, learned counsel for the Applicant and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

[3] The First Information Report is lodged on 12th February, 2015 at 3/30 p.m. The incident has occurred on 11th February, 2015. First Informant – Madhukar Sonaji Sanap and the Applicant are in

relation with each others. Civil Suit is already going on in between the parties, in respect of the agricultural field. According to the First Information Report, the Applicant and the other co-accused picked up a quarrel with the First Informant in respect of the agricultural land and in that he gave a blow on the head of First Informant, is the allegation.

[4] According to the First Information Report, Sainath and Gorabai was also assaulted by the co-accused. Other co-accused are already released on anticipatory bail. The injury certificates show that Gorabai has not received any injury. Sainath has received in all three injuries. All are simple in nature. However, in the First Information Report, no role is attributed against the present Applicant in so far as assault on Sainath is concerned.

[5] The injury certificate of first informant – Madhukar shows that he has received contusion lacerated wound on occipital region that is simple injury. The Doctor, who has examined the First Informant, found that injury is simple in nature.

[6] In that view of the matter, question as to whether the Applicant will be held responsible for committing the offence punishable under Section 307 of the Indian Penal Code or for any other lesser offence, is a debatable question; that can be decided at the time of trial. Looking to the nature of the injuries, it is crystal clear that, at least prima facie, the Applicant cannot be held responsible for the offence punishable under Section 307 of the Indian Penal Code.

[7] This court has granted interim anticipatory bail in favour of the present Applicant on 6th May, 2015 and that time, this court has specifically directed the Applicant to remain present in the Police Station, Shirur Kasar, District – Beed on 20th May, 2015 and 27th May, 2015. Accordingly, he attended the said Police Station, is the statement made by learned counsel for the Applicant, which is not disputed by the learned Additional Public Prosecutor. That leads me to pass the following order ::-

ORDER

- (i) Criminal Application is allowed.
- (ii) In the event of arrest, Applicant - VIRENDRA S/O CHANDRAKANT SANAP shall be released on anticipatory bail on he executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] with one solvent surety in the like amount, in connection with CR No.14/2015 registered with Police Station, Shirur Kasar, District – Beed for the offences punishable under Section/s 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.
- (iii) The Applicant shall attend Police Station, Shirur Kasar, District – Beed once in a week, preferably on every Sunday and shall remain present in the said Police Station between 10.00 a.m to 12.00 Noon, till the charge is framed.
- (iv) The Applicant shall not tamper with the prosecution evidence by indulging himself with any activity which will be prejudicial to the prosecution.

(iv) With this Criminal Application is allowed and same is disposed of, accordingly.

(V.M. DESHPANDE, J.)