

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

CRIMINAL APPLICATION NO. 2800 OF 2015

Sanjay s/o Bhaskar Nimbalkar & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

.....

Mr. H.D.Deshmukh, Advocate for Applicants.

Mr. V.H.Dighe, A.P.P. for Resp. – State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 25th JUNE, 2015

.....

PER COURT :

1. This is an application for bail since the applicants are arrested in connection with Crime No. 46/2015 registered with Police Station Virgaon, Dist. Aurangabad for the offences punishable u/s 307,504,506 of the Indian Penal Code and u/s 4 read with 25 of the Indian Arms Act.

2. Heard Mr. H.D.Deshmukh, learned Counsel for the applicants and Mr. V.H.Dighe, learned A.P.P. for the respondent – State.

3. F.I.R. is dated 15/05/2015. It is lodged by Vinod Padmakar Dhadbale, who is the injured. On the same day,

Nandabai Sanjay Nimbalkar, wife of present applicant No. 1 lodged report with the same police station vide Crime No. 47/2015 against Vinod Padmakar Dhadbale [first informant in the present case] and one another for the offences punishable u/s 354 (b), 452,323,504,506 read with 34 of the Indian Penal Code. It is reported that in the said crime registered against the present first informant, he is already released on bail.

First information which gives rise to the present application discloses that there is long standing dispute in respect of egress and ingress of agricultural field in between the present applicants and the sister of the first informant. Due to that, the sister of the first informant asked him to arrange for the sell of the said agricultural field. According to the said F.I.R., on the date of the incident, applicant No. 1 was holding sword with him, whereas applicant No. 2 was armed with axe. Close scrutiny of F.I.R. would reveals that the overt act is attributed only to applicant no. 1 Sanjay that he has given sword blow. No overt act is attributed against accused No. 2 Anil.

Injury certificate of injured shows that he has suffered one contused lacerated wound of size 2 x 0.5 cm. and also one another contused lacerated wound on the right hand. Injury certificate shows that both the injuries are simple in nature.

According to the learned A.P.P., investigation papers shows that the sword is seized from the spot itself. Learned A.P.P. submits that the axe is recovered at the instance of applicant No. 2 Anil.

From the submissions of learned A.P.P. and from the perusal of the investigation papers, it is clear that the entire investigation is over and only the formality of filing of charge sheet is remain to be done. Applicants are in jail since 15/05/2015.

4. Looking to the fact that no overt act is attributed against applicant No. 2 Anil and in so far as applicant No. 1 Sanjay is concerned, injuries which are attributable to him are simple in nature and there is counter case against the present first informant, present applicants can be released on bail.

5. Hence, I pass the following order.

(i) Present Criminal Application is allowed.

(ii) Applicant No. 1 Sanjay s/o Bhaskar Nimbalkar and applicant No. 2 Anil s/o Bhaskar Nimbalkar be released on bail in connection with Crime No. 46/2015 registered with Police Station Virgaon, Dist. Aurangabad for the offences punishable u/s 307,504,506 of the Indian Penal Code and u/s 4 read with 25 of the Indian Arms Act on they executing P.R. Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] with two solvent sureties of like amount by each of them. Bail before the trial Court.

- (iii) Applicant No. 1 Sanjay s/o Bhaskar Nimbalkar and applicant No. 2 Anil s/o Bhaskar Nimbalkar shall attend Police Station Virgaon once in a week, preferably on every Sunday in between 3.00 – 5.00 p.m. till charge sheet is filed.
- (iv) After filing of the charge sheet, applicant Nos. 1 and 2 shall attend Police Station Virgaon once in a fortnight, preferably on every Sunday in between 3.00 – 5.00 p.m. till Charge is framed.
- (v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]