FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2975 OF 2015
[Sambhaji Shivaji Aavhad and anr. Vs The State of Maharashtra]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Shri K.B.Autade, advocate for applicants
Smt. S.G.Chincholkar, A.P.P. for respondent

.....

CORAM : V.M.DESHPANDE, J.
DATED : 30th June, 2015

PER COURT : -

1] This is an application for anticipatory bail. The applicants are apprehending their arrest in connection with Crime No. 4 of 2015, for the offences punishable under Sections 452, 392, 323 of the Indian Penal Code, registered with MIDC Police Station, District Ahmednagar.

2] I have heard Shri K.B.Autade, learned counsel for applicants and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.

3] The first information report is lodged by Suvarna. According to the first information report, the incident has occurred on 5.5.2015 at 6 O' clock in the evening in the house of first informant. From the first information report and from other investigation papers, it is clear that except first informant nobody was present in the house. According to the first information report, on the day and time of the incident, the present applicants came in the house of the first informant and asked in respect of where abouts of the husband of the first informant. That time they demanded water. The first informant was to oblige their request to give

the water. That time, it is alleged that applicant no.1-Sambhaji snatched her golden chain and that time when first informant tried to run away from the spot, she received injury due to the nails of applicant no.2.

The injury certificate is available on record. The injury certificate shows liner abrasion. From the injury certificate, it is clear that the first informant was examined at 6.50 p.m. on 5.5.2015. The investigation papers show that the first informant has disclosed the incident to Sandip who is her brother-in-law. Statement of Sandip would reveal that at 7.30 in the evening he came in the house after completion of his work. Thus, there was no occasion for Sandip to know about the incident prior to 7.30 p.m. His statement would further reveal that he took first informant to the MIDC police station and thereafter police gave a letter for examination of first informant and thereafter she was medically examined. In the investigation papers, there is no requisition letter by the investigating officer to the Medical Officer for examination of Suvarna. Further, the timing of the examination of Suvarna i.e. 6.50 p.m. clearly belies the statement of Sandip, who according to him came to the house only at 7.30 p.m. In this context, statement is made on oath by the applicant in paragraph 4 of the application that there is a dispute between the family of the applicant and first informant on account of scarcity of water. Therefore, there appears some substance in the submission of the learned counsel that the applicants are falsely implicated in the crime. Hence, the applicants can be protected by exercising discretion in their favour.

O R D E R

(i) Criminal Application is allowed.

(ii) Applicant no.1-Sambhaji Shivaji Aavhad and applicant no.2-Kiran Punjaji Aavhad, in the event of their arrest, in connection with Crime No.

4 of 2015, for the offences punishable under Sections 452, 392, 323 of the Indian Penal Code, registered with MIDC Police Station, District Ahmednagar, be released on anticipatory bail on they each executing P.R. bond of Rs.5,000/- with one solvent surety in the like amount by each of them.

(iii) Applicant no.1-Sambhaji Shivaji Aavhad and applicant no.2-Kiran Punjaji Aavhad shall attend MIDC police station, Ahmednagar once in a fort night, preferably on Sunday between 3.00 p.m. to 5.00 p.m. till the charge sheet is filed.

(iv) Criminal Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2975.15