

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

CRIMINAL APPLICATION NO. 3184 OF 2015

Tanaji s/o Haribhau Amte

.... APPLICANT

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. B.A.Dhengle, Advocate for Applicant.

Mr. U.S.Mote, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 9th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicant is apprehending his arrest in connection with Crime No. 40/2015 registered with Neknoor police station, District Beed for the offences punishable u/s 307,324,323,504,506 read with 34 of the Indian Penal Code.

2. Heard Mr. B.A.Dhengle, learned counsel for the applicant and Mr. U.S.Mote, learned A.P.P. for respondent – State.

3. For the incidence dated 04/05/2015, two different F.I.R. are registered i.e. Crime No. 39/2015 for the offences punishable u/s 324,323,504,506 read with 34 of the

Indian Penal Code and Crime No. 40/2015 [in which present applicant is claiming anticipatory bail].

4. First informant in Crime No. 40/2015 is real uncle of the present applicant.

First informant in Crime No. 39/2015 is real brother of first informant in Crime No. 40/2015.

5. From both the F.I.R., it is clear that the dispute is going on between two brothers viz. Chandrakant [injured in Crime No. 40/2015] and Bapurao [first informant in Crime No. 39/2015].

6. On account of over construction in the land belonging to Chandrakant and on account of distribution of water, it appears that the incident dated 04/05/2015 has occurred.

7. According to the F.I.R. in Crime No. 40/2015, role attributed to the present applicant is that he has assaulted by means of knife on the head of the first informant. It is to be noted that the specific overt act against Barikrao, who is the real brother of the applicant, is also attributed that he has given sickle blow on the head of the first informant. Injury certificate of Chandrakant is available on record. Injuries are found to be simple in nature by the Medical officer.

8. Learned A.P.P. submitted that though the charge sheet is not filed, entire investigation is almost over. He also

submitted that the recovery of the weapon is already done. He pointed out the statement of Nathaji, who is co-accused. At his instance, all the weapons including the weapon which is shown in the hand of the present applicant in the F.I.R. are discovered and are already seized. In view of the fact that the dispute has occurred in the spur of moment between the members of the same clan, the weapons are already seized and the injuries are simple in nature, the discretion can be exercised in favour of the present applicant. Learned A.P.P. submitted that the conditions can be imposed upon the applicant while releasing him on bail. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest in connection with Crime No. 40/2015 registered with Neknoor police station, District Beed for the offences punishable u/s 307,324,323,504, 506 read with 34 of the Indian Penal Code, applicant Tanaji s/o Haribhau Amte be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount.
- (iii) Present applicant shall attend Neknoor police station twice in a week preferably on every Wednesday and Saturday between

3.00 – 5.00 p.m. till the charge sheet is filed.

- (iv) After filing of the charge sheet, applicant shall continue to attend Neknoor police station once in a fortnight preferably on every Saturday between 3.00 – 5.00 p.m. till the charge is framed by the learned trial Court.
- (v) Present applicant shall not tamper with the prosecution case.
- (vi) With these observations, Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]