

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

CRIMINAL APPLICATION NO. 3552 OF 2015

Shivanand s/o Ramji Waghmare

.... APPLICANT

V E R S U S

The State of Maharashtra & Anr.

.... RESPONDENTS

.....

Mr. G.G.Suryawanshi, Advocate for Applicant.

Mr. V.H.Dighe, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 20th JULY, 2015

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PER COURT :

1. This is an application for grant of bail. Applicant is arrested in connection with Crime No. 41/2015 registered with Hatta police station, District Hingoli for the offences punishable u/s 307,452,326,324,323,143,147,148,149,504, 506 of the Indian Penal Code.

2. Heard Mr. G.G.Suryawanshi, learned counsel for the applicant and Mr. V.H.Dighe, learned A.P.P. for respondent No. 1 – State.

3. F.I.R. is lodged by Manmath Vithal Waghmare,

who is close relative of the applicant and the dispute arose on 02/06/2015 on the basis of the previous dispute of 01/06/2015. According to F.I.R., present applicant and others picked up quarrel and assaulted on first informant. F.I.R. further states that the role ascribed to the applicant is that he has used stick while assaulting the first informant. Injury certificate shows that the injuries suffered by the first informant are simple in nature. Further, applicant is arrested on 04/06/2015. He has already undergone police custody remand. However, according to the learned A.P.P., nothing was recovered at his instance during the course of police custody remand. Thus, it is crystal clear that in so far as applicant is concerned, investigation is over. His further custodial presence is not warranted. Further, it is to be noted that in the dispute between two brothers, this incident has occurred and this Court has already released other brothers on anticipatory bail. That leads me to pass the following order.

- (i) Present Criminal Application is hereby allowed.
- (ii) Applicant Shivanand s/o Ramji Waghmare be released on bail in connection with Crime No. 41/2015 registered with Hatta police station, District Hingoli for the offences punishable u/s 307,452,326, 324,323,143,147,148,149,504,506 of the Indian Penal Code on he executing P.R. Bond of Rs. 5,000/- [Rupees Five

Thousand] with one solvent surety of like amount. Bail before the trial court.

- (iii) Present applicant shall attend Hatta police station once in a fortnight preferably on every Friday between 3.00 – 5.00 p.m. till the charge sheet is filed by the learned trial Court.
- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]