

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 3559 OF 2015**[Rameshwar s/o Gokuldas Nimse and others 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 N.V.Gaware, advocate for applicants
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 17th July, 2015****PER COURT :-**

1] Three applicants are apprehending their arrest, in connection with Crime No. 155 of 2015, for the offences punishable under Sections 394 r/w 34 of the Indian Penal Code, registered at M.I.D.C.Police Station, Ahmednagar, requiring them to approach before this court with a prayer for anticipatory bail.

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

3] The first information report is lodged by Sharda Nimse against the present applicants and father of applicant nos. 1 and 2 and father-in-law of applicant no.3.

From the first information report, it is clear that the first informant and the present applicants are close relatives. Co-accused Gokul, the father of applicant nos. 1 and 2 is the brother-in-law of the first informant. A dispute is going on in

between the family on account of agricultural field. On that count, first information report states that Shobhabai lodged report with the police station against applicant nos. 1 and 2, husband and son of present first informant. The first information report further proceeds that on 20.6.2015 at 6 O'clock in the evening when the first informant was playing with her grand-children, a verbal altercation took place in between herself and Shobha. Upon that, co-accused Gokul and present applicants came there and they gave kick and fist blows to the first informant, and that time co-accused Gokul snatched away golden chain worth Rs.15,000/- from the first informant.

From the first information report, specific overt act of taking away the golden chain is attributed only to Gokul. Allegations against the present applicants are that they gave fist and kick blows to the first informant.

4] The learned Additional Public Prosecutor submitted that in the investigation papers there is no injury certificate available in respect of the first informant.

5] In that view of the matter, this is a fit case wherein the court should exercise its discretion in favour of the applicants. That leads me to pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicants No.1-Rameshwar s/o Gokuldas Nimse, No.2-Dnyaneshwar s/o Gokuldas Nimse and No.3-Popat s/o Anna Tambe, in the event of their arrest, in connection with Crime No. 155 of 2015, for the offences punishable under Sections 394 r/w 34 of the Indian Penal Code, registered

at M.I.D.C.Police Station, Ahmednagar, be released on anticipatory bail, on they executing P.R. bond of Rs.5,000/- with one solvent surety in the like amount by each of them.

(iii) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap3559.15