

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

CRIMINAL APPLICATION NO. 3570 OF 2015

Dayanand s/o Ramji Waghmare & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

**WITH
CRIMINAL APPLICATION NO. 3450 OF 2015**

Mathurabai w/o Ramji Waghmare
& Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

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Mr. G.G.Suryawanshi, Advocate for Applicants.

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

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CORAM : V.M.DESHPANDE, J.

DATE : 20th JULY, 2015

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PER COURT :

1. Both these two applications arise out of 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 applicants and Mr. V.H.Dighe, learned A.P.P. for respondent – State.

3. F.I.R. is lodged by Manmath Vithal Waghmare, who is close relative of the present applicants and also one of the accused in Crime No. 40/2015.

According to F.I.R., applicants herein picked up quarrel with the first informant on the basis of the trifle issue in respect of the agricultural field. Though in the F.I.R., it has been specifically stated that applicant No. 2 Gajanan in Criminal Application No. 3570 of 2015 has assaulted on first informant on his head by axe, however, according to the injury certificate, injury is simple in nature. Further, the other injuries suffered by Manmath are also simple in nature, except one injury i.e. of dis-location of the hand. The Court can not be oblivious of the fact that the incident has occurred in a spur of moment. At no point of time, it appears at least from the cross F.I.R. that there was intention on the part of any of the applicants either present applicants or the applicants in cross complaint to kill any injured person. This Court has already exercised discretion in favour of the applicants in cross complaint. That leads me to pass the following order.

(i) Present both Criminal Applications are hereby allowed.

- (ii) In the event of arrest 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, applicant No. 1 Dayanand s/o Ramji Waghmare and applicant No. 2 Gajanan s/o Ramji Waghmare in Criminal Application No. 3570 of 2015 and applicant No. 1 Mathurabai w/o Ramji Waghmare, applicant No. 2 Nirmala D/o Ramu Waghmare and applicant No. 3 Bhagyashri w/o Dayanand Waghmare in Criminal Application No. 3450 of 2015 be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety of like amount by each of them.
- (iii) Applicant No. 1 Dayanand s/o Ramji Waghmare and applicant No. 2 Gajanan s/o Ramji Waghmare in Criminal Application No. 3570 of 2015 shall attend Hatta police station once in a fortnight preferably on every Saturday between 3.00 – 5.00 p.m. till the charge sheet is filed.
- (iv) With these observations, present both

Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 3570....2015