

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

CRIMINAL APPLICATION NO. 3695 OF 2015

Dilip Vasant Randhe & Ors.

.... APPLICANTS

V E R S U S

The State of Maharashtra & Ors.

.... RESPONDENTS

.....

Mr. A.B.Kale, Advocate for Applicants.

Mrs. S.G.Chincholkar, A.P.P. for R.No.1 – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 29th JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 127/2015 registered with Shrirampur City police station, District Ahmednagar for the offences punishable u/s 326,323,504,506 read with 34 of the Indian Penal Code.

2. Heard Mr. A.B.Kale, learned counsel for the applicants and Mrs. S.G.Chincholkar, learned A.P.P. for respondent No.1 – State.

3. Incident dated 13/05/2015 occurred between two branches of the same family, resulting into filing of two

different F.I.R. First in time F.I.R. is lodged by Kishor Vithal Randhe, in which present applicants are seeking anticipatory bail. Second F.I.R. is lodged by applicant No. 1 in the present Criminal Application against Kishor Vithal Randhe, who is first informant in F.I.R. No. 127 of 2015.

4. As observed in the preceding paragraph that the present applicants as well as first informant are from the same family, however from two different branches. From the F.I.R. it is clear that there is common well in their respective agricultural field. Arrangement was made to take water turn by turn. According to F.I.R., on 13/05/2015 at 9.30 a.m. when first informant Kishor was about to start the water pump fitted on the common well, that time present applicants with other accused Gaurav obstructed him by using abusive words and that time he was assaulted by the present applicants. Injury certificate of Kishor shows two fractures on his left hand and on Ulna.

Learned A.P.P. fairly pointed out the injury certificate of present applicant Dilip. His injury certificate discloses that he also received grievous injuries on his person and he was required to be treated as emergency patient in the hospital and he was indoor patient since 13/05/2015 i.e. the date of incident till 05/06/2015.

5. From the aforesaid, it is crystal clear that there was no intention on the part of either applicants or on the part of first informant. Dispute arose in the spur of moment. Both the sides have received grievous injuries.

In so far as applicant No. 2 Balasaheb Vasant Randhe is concerned, no serious injury that can be attributed to the assault alleged by him. Further, this Court on 15/07/2015 granted ad-interim protection in favour of the present applicants. From 15/07/2015 till today, at no point of time, they have mis-used the liberty granted to them.

6. The over-all survey 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. 127/2015 registered with Shrirampur City police station, District Ahmednagar for the offences punishable u/s 326,323,504,506 read with 34 of the Indian Penal Code, applicant No. 1 Dilip Vasant Randhe, applicant No. 2 Balasaheb Vasant Randhe and applicant No. 3 Sachin Babasaheb Bhagwat 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 Dilip Vasant Randhe, applicant No. 2 Balasaheb Vasant Randhe and applicant No. 3 Sachin Babasaheb

Bhagwat shall attend Shrirampur City police station once in a week and preferably on every Sunday between 3.00 – 5.00 p.m. till the charge sheet is filed before the Court of law.

- (iv) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]