

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

CRIMINAL APPLICATION NO. 3960 OF 2015

Pundlik s/o Bajirao Bari,
Age: 44 years, Occ: Business,
R/o. Bari Wada, Yawal,
Tal. Yawal, Dist. Jalgaon. ...Applicant

versus

The State of Maharashtra,
Through the Police Inspector,
Yawal Police Station, Yawal,
Tal. Yawal, Dist. Jalgaon & anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 4783 OF 2015
IN
CRIMINAL APPLICATION NO. 3960 OF 2015**

Maruti s/o Damodhar Bhandkoli,
Age: 55 years, Occ: Asstt. Conservator of Forest,
R/o. Forest Colony, Yawal, Tq. Yawal,
District Jalgaon. ...Applicant

versus

Pundlik s/o Bajirao Bari,
Age: 44 years, Occ: Business,
R/o. Bari Wada, Yawal,
Tal. Yawal, Dist. Jalgaon & anr. ...Respondents

.....
Mr. R.S. Deshmukh, Advocate for applicant
Mr. S.R. Palnitkar, A.P.P. for respondent/State
Mr. S.T. Shelke, Advocate to assist A.P.P.
.....

CORAM : N.W. SAMBRE, J.

DATE : 4th SEPTEMBER, 2015

ORAL ORDER :

Criminal Application No. 4783 of 2015 filed by the

original complainant to assist A.P.P. stands allowed.

2. The applicant is booked in Crime No. 50 of 2015 for the offence punishable under Section 307, 341, 325, 141, 143, 147, 149, 504 of the Indian Penal Code for the incident, which has occurred at around 10-45 p.m. on 10/07/2015.

3. The perusal of F.I.R. reflects that the applicant, who is husband of the Councillor, has assaulted the complainant on his right side chest by one blow of shoe kick, which has resulted into fracture to his ribs.

4. Apart from above, the other persons who were accompanied the present applicant also alleged to have assaulted the complainant with fist blows.

5. The medical evidence though speaks of fracture of ribs, however, invoking the provisions of Section 307 of the Indian Penal Code against the present applicant is required to be considered in the back ground of allegations in the F.I.R. The allegations in F.I.R. speaks of only one blow resulted in to fracture in question. The F.I.R. also reflects about previous differences between the complainant and the applicant in relation to auction of trees by the forest department.

6. The perusal of the investigation papers also does not reflect in repeated attempt on the part of applicant, who assaulted the complainant. It is also noticed that the applicant will not run away from the prosecution. There are no criminal antecedents noticed or brought on record.

7. In view thereof, I am inclined to grant pre-arrest bail to the applicant. Hence, I propose to pass the following order.

8. In the event of arrest, the applicant be released on bail, on furnishing P.R. bond of Rs.15,000/- (Rs. Fifteen thousand) with one surety in the like amount, in connection with Crime No. 50 of 2015 registered at Yawal Police Station, Taluka Yawal, District Jalgaon, for the offence punishable under Sections 307, 341, 325, 141, 143, 147, 149, 504 of the Indian Penal Code. The applicant shall attend the concerned police station initially for one week, every day between 10-00 a.m. to 11-00 a.m. and thereafter as and when called by the Investigation Officer, till filing of the charge sheet. The applicant shall provide his address and contact number to the concerned police station.

9. The criminal application No. 3960 of 2015 is allowed in

above terms.

[N.W. SAMBRE, J.]

Tupe/04.09.15