

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

CRIMINAL APPLICATION NO. 4234 OF 2015

Shaikh Afsar s/o Shaikh Magan,
Age: 45 years, Occ: Agri., & Shephard,
R/o. Gadiwat, Tq. & Dist. Aurangabad. ...Applicant

versus

The State of Maharashtra,
through Police Station, Chikalthan,
Tq. & Dist. Aurangabad. ...Respondent

...
Mr. Kayyum Najir Shaikh, Advocate for the applicant
Mrs. M.A. Deshpande, Addl. Public Prosecutor for respondent
...

CORAM : N.W. SAMBRE, J.

DATE : 12th OCTOBER, 2015

ORAL ORDER :

This is an application for grant of anticipatory bail.

2. Pursuant to the complaint given by one Rajendra Dakale to Chikalthana Police Station, Taluka and District Aurangabad, the Crime No. I-145/2015 was registered against the present applicant on 28/06/2015 for an offence punishable under Sections 353, 332, 323, 504 read with Section 34 of the Indian Penal Code.

3. The First Information Report depicts that there is no particular role attributed to the present applicant.

4. Out of four accused, three accused are already released on regular bail and wooden log and tractor used in commission of crime is already recovered from one of the accused.

5. It is the case of the present applicant that the leg of his goat was fractured because of rash and negligent driving of the complainant, which has given rise to the scuffle with the complainant. According to him, the applicant was not in the knowledge of the fact that the complainant is public officer as he was not in uniform.

6. The above facts, in my opinion, are sufficient to confirm the protection.

7. In the above background, it will be appropriate, in my opinion, to order the release of the applicant on bail in the event of his arrest. Hence, I propose to pass the following order :-

In the event of arrest, the applicant be released on bail, upon executing the P.R. bond of Rs.5,000/- (Rs. Five thousand) with one surety in the like amount, in connection with Crime No. I-145/2015 registered with Chikalthana Police Station, Taluka and District Aurangabad for an offence punishable under Sections 353,

332, 323, 504 read with Section 34 of the Indian Penal Code.

6. The application stands allowed.

[N.W. SAMBRE, J.]

Tupe/12.10.15