

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 6968 OF 2014****1) BALU @ MADHAV BALAJI KURE &****2) BALAJI MADHAV KURE****VERSUS****STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Jadhavar Santosh S.**APP for Respondents: Mr. A. V. Deshmukh**

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CORAM : T. V. NALAWADE, J.**DATE : 8th January, 2015****PER COURT :**

1. The application is filed for relief of anticipatory bail. Both the sides are heard.

2. The learned counsel for the applicants, on instructions, submits that he wants to withdraw the application of applicant No.1. So the application of applicant No.1 is disposed of as withdrawn. Interim relief granted in his favour stands vacated.

3. Crime is registered on the basis of report given by Balasaheb Haribhau Walve on 19.11.2014 for the offences punishable under sections 326, 323, 504, 506 r/w 34 of the Indian Penal code and under sections 3(1) (x) of the S.C. & S.T. (Prevention of Atrocities) Act.

4. The complainant is cultivating the land of brother of applicant No.2 and there is civil dispute pending between the parties. The allegations are

made that on the day of incident, the applicants entered the said portion and picked up quarrel with the complainant. The allegations are made that during the quarrel, abuse was given by taking name of his caste which is scheduled caste and then blow of Axe was given on the head of the complainant by the applicant no.1 Balu alias Madhav.

5. The incident took place on 17.11.2014 at about 12 noon. The report was given at 1.20 p.m i.e. immediately after the incident. On the same day the complainant was examined in the Government Hospital and fresh injury of CLW was found. Though there is injury described as simple, the injury was on head and it was allegedly caused by using axe. There is further allegation that abuse was given by taking name of caste of the which is Scheduled Caste. The learned counsel for the applicant submitted that such allegation was anticipated and in the regard some representations were already given to police by the applicants. Copies of the said applications are produced but there is no endorsement on the applications. The copy of the plaint of the suit filed by the brother of the applicant No.2 is produced in the police papers which shows that there is civil dispute.

6. Though there is material of aforesaid nature, the main allegations are again the applicant no.1. The applicant No. 2 is 65 years age. Specific and material allegations are mainly as against applicant No.1. In view of the aforesaid circumstances, this court holds that protection needs to be

given in favour of applicant No.2. In the result, interim relief granted in favour of applicant No.2 is confirmed.

7. The criminal application is disposed of.

(T. V. NALAWADE, J.)

JPC