

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

Criminal Application No.6024 of 2014

Shrimant Hanumant Jagtap. **.. Applicant.**

Versus

The State of Maharashtra
And Another. **.. Respondents.**

Shri. Gajanan P. Mapari, Advocate, for applicant.

Shri. R.P. Phatke, Additional Public Prosecutor, for
respondent No.1.

Shri. S.J. Salunke, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 12th JANUARY 2015

ORDER:

1) The application is filed for relief of anticipatory bail. Learned counsel for the applicant has produced some record like copies of treatment received by the applicant in Mumbai and he at the relevant time he was in Mumbai and he is falsely implicated. He is taking education in Pune and he needs to be protected.

2) This Court has perused the papers of investigation include the medical certificate in respect of the first informant. It appears that on 24-11-2013 one incident took place and against both the sides crimes are registered for offence punishable under sections 307, 324, 34 etc of the Indian Penal Code. On the basis of report given by the father of the present applicant crime is registered at CR No.150/2013 and on the basis of report given by Shaikh Makbool Crime at CR No.151/2013 came to be registered. There are specific allegations made made against the present applicant that during incident he gave blow of axe on his head. Allegations are made against other accused that they also assaulted him by stick. The certificate of injury shows that CLWs were found on left parietal region of Shaikh Makbool of the size of 1 x .5 x .5 cm. It was caused within 24 hours by hard and blunt object. He sustained fracture injury to 5th finger. Thus there is head injury. At this stage, it cannot be said that axe could have caused such injuries. The incident took place on 24-11-2013. The application for anticipatory bail was rejected by Sessions Court on 28-11-2013. The applicant did not surrender. It appears that

first time on 17-11-2014 the applicant got interim relief from this Court. Learned APP submits that custodial interrogation is a must. In view of the circumstances this Court holds that, this is not a fit case to grant the relief of anticipatory bail.

3) The application is rejected. Interim relief is vacated.

Sd/-
(T.V. NALAWADE, J.)

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