

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Office Coram, orders or Registrar's orders.	Court's or Judge's orders.
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CRIMINAL APPLICATION NO. 7093 OF 2014

SADASHIV NAMDEO PATIL
VERSUS
STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Dayama Nirmal R
APP for Respondent: Mr. N. B. Patil.

CORAM: T. V. NALAWADE, J.
DATED: 13th JANUARY, 2015.

PER COURT:

1. The application is filed for bail.
2. Both the sides are heard.
3. This Court has perused the papers of investigation.
4. The crime is registered on the basis of report given by one Prakash Garate. The alleged incident took place on 11th December, 2014 after 09.30 p.m. There is allegation that on that date the quarrel started when one Sonu Patil blew the whistle at him and he made inquiry with Sonu Patil. He made allegation that Sonu Patil, Ganesh Patil and one unknown person started abusing the complainant. He made allegation that these three persons assaulted him by using sticks and then Sonu Patil, Subhash Patil, Dattu Patil and

Mallya came there with iron bar. He made allegations that these three persons assaulted him. He has contended that others like his brother Ramesh, sister Chandrakala came but they were also assaulted and his other brother Kishan was also assaulted. The report was given on the same day and the crime is now registered for offence punishable under section 326 read with 149 of I.P.C. The police papers, include injury certificates in respect of Kiran. He sustained fracture injuries to right hand region. Prakash sustained fracture injury to Fibula left and Ramesh sustained blunt trauma. Chandrakala sustained CLW over right ear region.

5. Learned A.P.P. submitted that statements of Chandrakala, Prakash and Kiran show that present applicant took part in that incident though his name is not appearing in F.I.R.

6. The record shows that the brother of the applicant was involved in the incident and his name is mentioned in the F.I.R. He submitted that the applicant was very much known to the informant and the fact that his name is not mentioned in the F.I.R. creates a probability that he was not involved in the incident. He submitted that, except Mahesh, other accused persons were arrested and granted bail. In view of nature of allegations, this Court holds that protection needs to be given to the applicant.

7. In the result, the application is allowed. The interim

relief granted in favour of the applicant is confirmed.

8. The applicant is to attend the concerned police station on every Sunday for a period of one month between 09.00 and 12.00 noon and he is to cooperate to the police during investigation.

[T. V. NALAWADE, J.]

Dt.13/01/2015
ans/7093