

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1495 OF 2016

- 1] Annasaheb S/o Rambhau Chitekar
Age 43 years, Occupation : Agri.
and social worker, resident of
Tandulwadi (Khurd), Taluka and
District Jalna
 - 2] Ambadas S/o Rambhau Chitekar,
Age 41 years, Occuupation : Agri.,
resident of Tandulwadi (Khurd)
Taluka and District Jalna
 - 3] Shankar S/o Rambhau Chitekar,
Age 37 years, Occupation : Agri.,
resident of Tandulwadi (Khurd),
Taluka and District Jalna
- .. Applicants

Vs.

The State of Maharashtra
Through Taluka Police Station, Jalna

.. Respondent

Mr. N.S. Ghanekar, Advocate for the applicants
Mr. M. B. Bharaswadkar, A.P.P. for the respondent-State
Mr. Sanket S. Kulkarni, Advocate h/f Mr. Suvidh S. Kulkarni,
Advocate for assist to A.P.P.

CORAM : M.T. JOSHI, J.

DATE : 18/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending
arrest at the hands of Taluka Jalna Police Station,

Dist. Jalna in crime no. 0073 of 2016 for the offences punishable under section 307, 506, 341 r/w. 34 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. The complaint filed by one Jagannath Dulse would show that all the present applicants in the noon time on 23/02/2016, had assaulted the complainant with wooden sticks, steel bar etc. and the applicant no.1 - Annasaheb Chitekar made statement to others that the complainant should be done to death. However, the complainant's son and some other witnesses took away the complainant towards the rest house.

4. Perused the copy of the injury certificate supplied by the learned A.P.P. for perusal. It would show that the complainant has received 1 contused lacerated wound admeasuring 3 cm X 0.5 cm X 0.5 cm over the eyebrow and one contusion on left side frontal region of scalp admeasuring 3 cm X 3 cm. Both the injuries were certified to be simple injuries by the Medical Officer.

5. Mr. Ghanekar, learned counsel for the

applicants points towards the copies of the judgments delivered in other cases by the Court of learned Judicial Magistrate First Class, would show that previously, the complainant as well as some of the applicants were together in various activities alleged to have been committed by them. He further submits that only because of enmity between the group, the present complaint came to be filed and the offence registered does not fit with the injury certificate.

6. Learned A.P.P. opposed the application. He submits that there were visible injuries on the person of the complainant and in the circumstances, no anticipatory bail can be granted to the applicants.

7. Upon hearing both sides and considering the background of the relations between the parties, the allegations that three persons had assaulted the complainant with sticks, steel bar etc., upon comparison with the injury certificate, in my view, the custodial interrogation of the applicants is not required.

8. In the circumstances, the interim protection

granted to the applicants by this Court vide order dated 28/03/2016 is hereby made absolute on the same terms and conditions.

9. Application stands disposed of accordingly.

Sd/-
[M.T. JOSHI]
JUDGE

arp/