

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1553 OF 2016

- 1] Sambhaji S/o Kacharu Wathore,
Age 75 years, Occu. Agri.,
- 2] Priyanka W/o Kapil Wathore,
Age 28 years, Occu : Household,
- 3] Shilpa W/o Gautam Wathore,
Age 25 years, Occu. : Household

All R/o Wadgaon (Bk) Tq. Hadgaon,
Dist. Nanded

.. Applicants

Vs.

The State of Maharashtra
Through Police Station, Tamsa,
Tq. Hadgaon, Dist. Nanded

.. Respondent

Mr. Ganesh P. Shinde, Advocate for the applicants
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 31/03/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of Tamsa Police Station, Tq. Hadgaon, Dist. Nanded in crime no. 16 of 2016 for the offences punishable under section 326, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, are

praying for their release on bail, in the event of their arrest.

3. The complaint as well as the prosecution papers would show that the principal accused i.e. accused no.2 - Gautam Wathore had given a blow of stick on the leg of the complainant, causing fracture. The allegations against applicant no.1 - Sambhaji S/o Kacharu Wathore are that during the said incident, he caught hold the complainant. The allegations against applicant nos.2 and 3 are that during the said incident, they caught hold the hairs of the wife of the complainant.

4. Learned counsel for the applicants submits that applicant no.1 - Sambhaji S/o Kacharu Wathore is 78 years old while applicant nos.2 and 3 are women and a very minor role is attributed to them.

5. On the other hand, learned A.P.P. submits that applicant no.1 - Sambhaji S/o Kacharu Wathore was involved in causing grievous injury to the victim and the rest of the applicants also helped the principal accused in commission of the offence. He therefore

submits that the custodial interrogation of the applicants would be required.

6. Upon hearing both sides, in my view, though it is submitted that the applicant no.1 - Sambhaji S/o Kacharu Wathore is an old aged person, still, considering the prima facie case against him, no protection can be granted to him from the arrest.

7. Considering the role alleged against applicant nos.2 and 3 and finding that they are women, the interim protection granted by this Court vide order dated 14/03/2016 is hereby made absolute regarding them.

8. Application to the extent of applicant no.1 - Sambhaji S/o Kacharu Wathore is hereby dismissed.

9. Application stands disposed of accordingly.

Sd/-

[M.T. JOSHI]
JUDGE

arp/