

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1754 OF 2016

1. Ganesh s/o Dadarao Ambekar,
Age : 28 years, Occu. Agri.,
R/o Usmanpur, Taluka Partur,
District Jalna
2. Mahesh s/o Dadarao Ambekar,
Age : 60 years, Occu. Agri.,
R/o as above
3. Dinkar s/o Dadarao Ambekar,
Age : 20 years, Occu. Agri.,
R/o as above

APPLICANTS

VERSUS

The State of Maharashtra
through Police Inspector,
Police Station, Partur,
Tq. Partur, District Jalna

RESPONDENT

Mr. V.A. Bagal-Patil, Advocate for the applicants
Mr. U.S. Mote, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 11/04/2016

ORAL ORDER :

1. Heard both sides.
2. The present applicants who are apprehending their arrest at the hands of Partur Police Station, Taluka Partur, District Jalna, in Crime No. 174/2015,

registered for the offences punishable under section 143, 147, 148, 149, 326, 323, 504 of the Indian Penal Code, are praying for their release on bail in the event of their arrest.

3. The FIR filed against the present applicants as well as the FIR filed by applicant No. 1 Ganesh s/o Dadarao Ambekar would show that there was fighting between the two groups i.e. one group of the applicants and another of the complainant.

4. So far as rival group is concerned, this Court, vide order dated 16th February, 2016 passed in Criminal Application No. 459 of 2016, has granted anticipatory bail to three members and the said application of one Kashinath s/o Sundarrao Ambekar against whom allegations of assault with an axe are there, was withdrawn by him. This can be seen from the above referred order dated 16th February, 2016 (Exhibit-E to the present application).

5. In the present case, serious allegations are against applicant No. 1 Ganesh s/o Dadarao Ambekar that he has used an axe in the assault. Learned counsel for the applicants, on instructions from applicant No. 1

Ganesh, submits that applicant No. 1 Ganesh does not wish to press the present application and he be allowed to withdraw the same. Learned counsel, however, submits that the anticipatory bail may be granted to the rest of the applicants.

6. Perused the three injury certificates, submitted by the learned A.P.P. before the Court. Upon appreciation of the injuries suffered by the complainant and his family members, in my view, anticipatory bail can be granted to applicant No. 2 Mahesh and applicant No. 3 Dinkar as their custodial interrogation would not be required. In the circumstances, the following order:

7. The application is partly allowed. The application as regards applicant No. 1 Ganesh s/o Dadarao Ambekar is dismissed as withdrawn. The interim protection granted by this Court to applicant No. 1 Ganesh vide order dated 22nd March, 2016 stands vacated.

8. The interim protection granted by this Court to applicant No. 2 Mahesh s/o Dadarao Ambekar and applicant No. 3 Dinkar s/o Dadarao Ambekar, vide order dated 22nd March, 2016, is hereby made absolute on the same terms

and conditions. Their application is accordingly allowed and disposed of.

[M.T. JOSHI]
JUDGE

npj/criapln1754-2016