

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1760 OF 2016

- 1] Ambadas S/o Kondiram Folane,
Age : 70 years, Occu.: Nil
- 2] Badrinath S/o Kondiram Folane
Age : 41 years, Occu.: Agril.
- 3] Balasaheb S/o Ambadas Folane
Age : 39 years, Occu.: Agril.,
- 4] Raju S/o Bhausahab Folane
Age : 32 years, Occu.: Nil
- 5] Sanju Bhausahab Folane
Age : 30 years, Occu.: Nil
- 6] Bhaskar Dhokne
Age : 75 years, Occu.: Agril.,

All R/o. Ram-Doh, Tq. Newasa,
Dist. Ahmednagar

.. Applicants
(Orig. Accused)

VERSUS

The State of Maharashtra
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar

.. Respondent

Mr. V.S. Bedre, Advocate for the applicants
Mr. A.S. Shinde, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 05/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicants, who are apprehending

arrest at the hands of Newasa Police Station, Dist. Ahmednagar in crime no. I-60 of 2016 for the offences punishable under section 143, 147, 148, 323, 329, 342, 427, 504, 506 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. Mr. Bedre, learned counsel for the applicants files on record the true copy of Aadhaar card of the applicant no.6—Bhaskar Dhokne, as recorded in the order of this Court dated 04/04/2016. The same is accepted on record and marked as "X" for the purpose of identification. The true copy would show that the applicant no.6 is about 70 years old.

4. Upon hearing, learned counsel for the applicants, on instructions of the applicants, submits that the applicants nos.1 to 5 do not wish to press the application and, therefore, they may be allowed to withdraw the application.

5. As regards applicant no.6 - Bhaskar Dhokne, it is submitted that the said applicant is an old aged person and considering the nature of allegations, pre-arrest bail may be granted to him.

6. Complaint filed by one Anil Patil would show that over a dispute of ownership of agricultural land, there used to be disputes between the two families. In the circumstances, on 22/02/2016 in the night in the land, all the present applicants had assaulted the complainant and his family members with sticks, iron pipe, handle of spade and injured them. It is alleged that applicant no.1-Ambadas S/o Kondiram Folane had caused injury to the complainant by an iron pipe to his leg. The injury certificate of complainant - Anil Patil would show that he has suffered one grievous injury i.e. fracture to left ulna.

7. Learned A.P.P. submits that though initially, the FIR is registered for the offence punishable under section 325 of the Indian Penal Code, the injury certificate collected later-on would show that in-fact the offence punishable under section 326 of the Indian Penal Code is committed and, therefore, applicant no.6 cannot be granted anticipatory bail.

8. Upon hearing both sides and considering the role played by applicant no.6 - Bhaskar Dhokne and

considering his age, in my view, protection can be granted to him. In the result, the following order:-

9. The application is disposed as regards applicant nos.1 to 5 as withdrawn.

10. In the event of the arrest of the applicant no.6 - Bhaskar Dhokne in crime no. I-60 of 2016 registered at Newasa Police Station, Dist. Ahmednagar for the offences punishable under section 143, 147, 148, 323, 329, 342, 427, 504, 506 of the Indian Penal Code, he be released on bail, upon his executing P.R. bond in the sum of Rs.10,000/- (Rs. Ten Thousand) and also upon furnishing surety in the like amount.

11. This applicant shall attend the Investigating Officer, for a period of three (3) months from the date of this order, as and when reasonably called for the purposes of investigation/interrogation.

12. Application stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

arp/