

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO. 1875 OF 2016

Dattatraya s/o Sitaram Chaudhari and anr.

...Applicants

VERSUS

The State of Maharashtra,
through the Sub-Divisional Police
Officer, Sub-Division,
Pachora, Dist.Jalgaon and anr.

...Respondents

.....
Shri R.S.Deshmukh, advocate for applicants
Shri N.T.Bhagat, A.P.P. for respondent/State
.....

CORAM : INDIRA K.JAIN, J.

DATED : 28th April, 2016

ORDER :

This is an application for anticipatory bail in Crime No. 13 of 2016, registered at Pimpalgaon (Hareshwar) police station, District Jalgaon for the offences punishable under Sections 323, 504, 506 r/w 34 of the Indian Penal Code, Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 7(1)(d) of the Protection of Civil Rights Act, 1955.

2] Heard Shri R.S.Deshmukh, learned counsel for the applicants, Shri N.T.Bhagat, learned A.P.P. for respondent/State assisted by Shri V.P.Patil, learned counsel for complainant. Perused papers of investigation.

3] It is the case of prosecution that on 14.11.2015 when first informant Pravin Supdu Gangurde was talking to Pandit Shrawan Patil at village Kalamsara, Taluka Pachora, District Jalgaon both the applicants went there and raised dispute. They abused him in filthy language. It is also alleged that complainant was assaulted by kick and fist blows on his throat, stomach, neck, head and chest. According to complainant accused pushed him to the ground and forcibly put cattle dung in his mouth. They threatened him and his family members to life. On 1.3.2016 report of incident was lodged.

4] It can be seen from first information report that Pandit Shrawan Patil and Sudhakar Bhivsan Choudhari had witnessed the incident. Their statements have not been recorded by the investigating agency.

5] Applicants have placed on record number of complaints submitted by villagers against the complainant showing his past conduct.

6] In this view of the matter applicants deserve protection. Hence the following order.

ORDER

- (i) Criminal Application No. 1875 of 2016 is allowed in terms of prayer clause 'A'.

(ii) Interim protection granted vide order, dated 31.3.2016 is confirmed.

(iii) Applicants shall cooperate the investigating agency in further investigation/interrogation.

[INDIRA K.JAIN, J.]

dbm/crap1875.16