

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1894 OF 2016

Bhagwan S/o Dagduji Ragade,
Age : 55 years,
Occu.: Agril/Social-worker,
R/o Brijwadi, Chikalthana,
MIDC Aurangabad

.. Applicant

Vs.

The State of Maharashtra
Through Police Station Officer,
M.I.D.C. CIDCO Police Station,
Aurangabad

.. Respondent

Mr. Arvind R. Kawade, Advocate for the applicant
Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.

DATE : 12/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of MIDC CIDCO Police Station, Dist. Aurangabad in crime no. 503 of 2015 for the offences punishable under section 307, 324, 323, 506 r/w. 34 of the Indian Penal Code, is praying for his release on bail, in the event of his arrest.

3. The complaint filed by one Ratansingh Bisht would show that he was very much continuously disturbed due to the nuisance caused due to the easing of the customers of a food stall (Dhaba) being run in his neighbourhood by Kapalsingh. In the circumstances, on 30/12/2015 in the night at about 9.30 pm, when he found four persons easing near his compound, he protested. Upon that, they man-handled him. Eventually, the dhaba owner Kapalsingh as well as the present applicant had assaulted him. It is alleged that the present applicant gave a severe slap on his ear. Bleeding started from his ear and he fell on the ground. Thereafter, the present applicant as well as his companion gagged his mouth and bet him and also attempted to strangle him. In the situation, for the purpose of security, he fired one round from his air-gun in the air and went to the Police Station.

. In the Police Station also, the present applicant came there and in presence of the Police Station Officer, he again gave a severe fight on his very same injured ear. Accordingly, the complaint came

to be filed.

4. Learned counsel for the applicant submits that in-fact, the present applicant was also injured in the said incident and counter-complaint is also filed, which would show that the present applicant has merely intervened, finding that one unknown person was firing in air and in the said incident, the said unknown person (present complainant) had beaten him with hockey stick.

5. Perused the injury certificate and more particularly, the statement of the Police Station Officer, which would show that in the Police Station also, the present applicant has assaulted the complainant. In the circumstances, though it could be prima facie shown that the applicant has suffered some injuries in the incident, considering all the material on record, in my view, the custodial interrogation of the present applicant would be required. In the circumstances, the following order:-

6. The Application is hereby dismissed. Interim protection granted to the applicant by this Court vide

order dated 01/04/2016 is hereby vacated.

7. Needless to state that all the observations made above are based on the prima facie considerations only.

[M.T. JOSHI]
JUDGE

arp/