

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

**CRIMINAL APPLICATION NO. 1946 OF 2016**

- 1] Sumit S/o Gunwant Ubale,  
Age : 24 years, Occu.: Education,  
R/o. Kurund, Taluka – Parner,  
Dist. Ahmednagar
- 2] Akash S/o Gunwant Ubale,  
Age : 18 years, Occu.: Education,  
R/o Kurund, Taluka – Parner,  
Dist. Ahmednagar
- 3] Gunwant S/o Vishnu Ubale,  
Age : 48 years, Occu.: Education,  
R/o Kurund, Taluka – Parner,  
Dist. Ahmednagar
- .. Applicants

**VERSUS**

The State of Maharashtra

.. Respondent

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Mr. Shaikh Mazhar A. Jahagirdar, Advocate for the applicants  
Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

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**CORAM : M.T. JOSHI, J.**

**DATE : 18/04/2016**

**ORAL ORDER :**

Heard both sides.

2. The present applicants, who are apprehending arrest at the hands of Parner Police Station, Dist. Ahmednagar in crime no.I-62 of 2015 for the offences punishable under section 452, 143, 147, 148, 149, 324,

323, 326, 504, 506 of the Indian Penal Code, are praying for their release on bail, in the event of their arrest.

3. The complaint filed by one Shahurao Ubale would show that there is a long standing enmity between his family and the present applicants and their relatives. In the circumstances, according to the complainant, on 19/02/2015, 12 named accused including the present applicants had entered in his house and assaulted him. Specific allegations against applicant no.1 – Sumit Ubale and applicant no.2 – Akash Ubale are that they, with a sword, injured his head while applicant no.3 – Gunwant Ubale had, with a steel rod, assaulted over the left leg and back of the complainant.

4. During hearing, learned counsel for the applicants submits that applicant no.3 – Gunwant S/o Vishnu Ubale does not wish to press the application and he may be allowed to withdraw the application, however, anticipatory bail may be granted to applicant no.1 – Sumit S/o Gunwant Ubale and applicant no.2 – Akash S/o Gunwant Ubale.

. Learned counsel for the applicants further submits that the order of the Sessions Court would show that the allegations of assault with sword over the head of the complainant, would not fit into the circumstances. Both the applicants are school going youth and only due to the old rivalry, they are roped in falsely in the incident.

5. Learned A.P.P. opposed the application. He submits that the FIR would show that all the present three applicants had taken active part in assaulting the complainant.

6. Perused the copy of the injury certificate placed for perusal by the learned A.P.P. The injury certificate would show that the complainant has received one simple contused lacerated wound over his head, blunt trauma on his right thigh and the victim has complained of pain to his rib-cage. All these injuries are certified to be simple. The grievous injury is fracture to the left fibula.

7. In the circumstances, learned counsel for the

applicants submits that the allegations that applicant no. 1 and applicant no.2 had given one blow each of sword on the head of the victim, would not fit into the circumstances.

8. Considering all the material on record and taking into consideration the injury certificate in juxtaposition with the allegations made in the FIR, in my view, the custodial interrogation of the applicant no. 1 -Sumit S/o Gunwant Ubale and applicant no.2 - Akash S/o Gunwant Ubale is not required. In the circumstances, the following order:-

9. The application to the extent of applicant no.3 - Gunwant S/o Vishnu Ubale is hereby dismissed as withdrawn.

10. In the event of the arrest of the applicant no.1 - Sumit S/o Gunwant Ubale and applicant no.2 - Akash S/o Gunwant Ubale in crime no.I-62 of 2015 registered at Parner Police Station, Dist. Ahmednagar for the offences punishable under section 452, 143, 147, 148, 149, 324, 323, 326, 504, 506 of the Indian Penal Code, both of them be released on bail, upon

their executing P.R. bonds in the sum of Rs.15,000/-  
(Rs. Fifteen Thousand) each and also upon furnishing  
surety each in the like amount.

. These applicants shall attend the  
Investigating Officer, as and when reasonably called  
for the purposes of investigation/interrogation.

11. Application stands disposed off accordingly.

**[M.T. JOSHI]**  
**JUDGE**

arp/