

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2180 OF 2016

Sharad S/o Shivaji Wagh
Age — 21 years, Occu. Education,
R/o : Waghehebabulgaon
Tq. Kaij, Dist. Beed .. Applicant

Vs.

The State of Maharashtra
Through the Officer Incharge of
Shivaji Nagar, Police Station,
Beed .. Respondent

Mr. B.R. Kedar, Advocate for the applicant
Mr. A.R. Borulkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 22/04/2016

ORAL ORDER :

Heard both sides.

2. The present applicant, who is apprehending arrest at the hands of Shivaji Nagar Police Station, Dist. Beed in crime no. 136 of 2016 for the offences punishable under section 307 r/w. 34 of the Indian Penal Code and under section 4/27 of the Arms Act, is praying for his release on bail, in the event of his arrest.

3. The complaint of one Sharda Suresh Bhosale would show that on 11/02/2016, her son was assaulted by three persons in her presence and they fled away. Since the incident has occurred below an electric lamp-post, she was able to identify those three persons. When, she made enquiry with her son, he divulged the names of three persons, including the present applicant – Sharad Wagh.

4. Learned counsel for the applicant submits that though in the FIR, the allegations are that one person has caused injury, in the last paragraph, general allegations are made that three persons had caused grievous injury with knife to the victim.

5. Learned A.P.P. opposed the application. He submits that the stab injury found on the right side chest of the victim – Pawan, which was certified to be grievous one by the Medical Officer and the statement of the victim would show that he had enmity with the present applicant as well as two others over certain love affair. In the circumstances, all the three persons including the present applicant marched towards

him and started manhandling him. The unknown person had caused the injury and the present applicant alongwith one named accused had threatened to take his life.

. Learned A.P.P. submits that due to the previous enmity with the present applicant, it is certain that the unknown person was used as a weapon by the present applicant, as the statement of the victim would show that the present applicant was present there and he has manhandled and thereafter threatened the victim.

6. Considering the nature of the injuries and finding that a strong prima facie case regarding the enmity, in my view, no case is made out for grant of anticipatory bail. The Application is therefore dismissed.

7. All the above observations are prima facie in nature and the concerned Court shall not be influenced by the observations made so far.

[M.T. JOSHI]
JUDGE

arp/