

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2800 OF 2016

Baban S/o Nagnath Chavhan .. Applicant

Vs.

The State of Maharashtra .. Respondent

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Mr. N.V. Gaware, Advocate for the applicant

Mr. C.V. Dharurkar, APP for the respondent-State

Mr. Shaikh Mazhar A. Jahagirdar, Advocate for assist to
A.P.P.

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CORAM : N.W. SAMBRE, J.

DATE : 15/06/2016

ORAL ORDER :

Heard.

2. The applicant is seeking pre-arrest bail in Crime no.I-73 of 2016 registered at Karjat Police Station, Dist. Ahmednagar for the offences punishable under section 323, 326, 504, 506, 143, 147, 148 149 of the Indian Penal Code and under section 4/25 of the Arms Act.

3. Perused the investigation papers in crime no.I-73 of 2016 registered with Karjat Police

Station, Dist. Ahmednagar. Pursuant to incident dated 1/4/2016, a complaint came to be lodged on 4/4/2016. Role attributed to the applicant is that he has assaulted the complainant – Latif with sword. The investigation papers, particularly the injury certificate depicts the injury suffered by the complainant. However, looking to the role attributed to the applicant, that he assaulted the complainant on his head when the complainant was held by two ladies, namely Pini and Nani, the story, as narrated appears to be improbable.

4. Investigation carried out till date depicts that the eye witnesses speak involvement of the applicant in the crime in question.

5. Apart from above, it is required to be taken note of the fact that applicant, who manages a credit-cooperative society and brother of the complainant had some dispute about recovery of the amount and as such false implication of the applicant cannot be ruled out. Hence, the following

order:-

6. In the event of the arrest of the applicant in Crime no.I-73 of 2016 registered with Karjat Police Station, Dist. Ahmednagar for the offences punishable under section 323, 326, 504, 506, 143, 147, 148 149 of the Indian Penal Code and under section 4/25 of the Arms Act, he be released on bail upon his executing P.R. bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one surety in the like amount.

7. The applicant shall attend the concerned Police Station on 25th, 26th and 27th June, 2016 between 10 am and 12 noon and, thereafter, as and when called by the Investigating Officer.

8. Before parting, it is required to be noted that the investigation carried out by the Investigating Officer in the present case does not appear to be in a transparent manner. Though the incident has taken place in front of a tailoring

shop of Nana Tailor, statement of said Nana, who runs the tailoring shop or other witness, is not at all recorded by the Investigating Officer, which prima facie depicts about his incompetency.

9. In view of the above position, in my opinion, it will be appropriate to place the investigation papers in the matter, before the Additional Superintendent of Police, Ahmednagar, who shall, upon perusal of the investigation papers, issue appropriate directions for investigation in the matter.

10. Learned A.P.P. undertakes to communicate this order to the Additional Superintendent of Police, Ahmednagar.

11. Criminal Application stands disposed of accordingly.

[N.W. SAMBRE]
JUDGE

arp/-