

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

**CRIMINAL APPLICATION NO. 3089 OF 2016**

Natha S/o Fakira Alhat .. Applicant

**Vs.**

The State of Maharashtra .. Respondent

.....  
Mr. S.G. Magre, Advocate for the applicant  
Smt. R.P. Gour, APP for the respondent-State  
.....

**CORAM : N.W. SAMBRE, J.**

**DATE : 22/06/2016**

**ORAL ORDER :**

Heard.

2. The applicant is seeking pre-arrest bail in Crime no. I-112 of 2016 registered at M.I.D.C. Police Station, Dist. Ahmednagar for the offences punishable under section 143, 147, 148, 326, 504, 506 of the Indian Penal Code and under section 4, 25 of the Arms Act.

3. With the assistance of learned A.P.P., I have perused the investigation papers.

4. It is claimed that pursuant to an incident dated 24/5/2016, the offence in question came to be registered, wherein it is alleged that the applicant, with the help of a sword has assaulted the complainant – Babasaheb Bansi Suryawanshi on his head. The investigation papers does not depict any medico legal certificate of Babasaheb Bansi Suryawanshi, however, there are medico legal certificates of Bablu Bansi Suryawanshi and Vishal Bansi Suryawanshi. Of these two victims, Bablu has suffered one grievous injury to his palm, which is in the form of swelling and contusion. So far as injury to the occipital region is concerned, the same was found to be simple.

5. It is then required to be noted that another crime being crime no.111 of 2016 came to be registered for the offences punishable under section 307, 143, 147, 148, 149, 427, 452, 324, 323, 504, 506 of the Indian Penal Code against the group of

the complainant including that of Bablu and Vishal, who are injured in the crime, in which the applicant is seeking bail.

6. The incident claim to have occurred out of the disturbance caused by the rash driving of vehicle by the complainant.

7. In my opinion, there are counter complaints and the nature of injuries does not warrant custodial interrogation of the applicant. In view of counter FIR, false implication of the applicant cannot be ruled out. Hence, the following order:-

8. In the event of the arrest of the applicant in Crime no.I-112 of 2016 registered with M.I.D.C. Police Station, Dist. Ahmednagar for the offences punishable under section 143, 147, 148, 326, 504, 506 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.15,000/- (Rs. Fifteen Thousand) with one surety in the like

amount.

9. The applicant shall attend the concerned Police Station on 29<sup>th</sup> and 30<sup>th</sup> June, 2016 between 10 am and 12 noon and, thereafter, as and when called by the Investigating Officer.

10. The applicant shall not enter the place of complainant i.e. Gajraj Nagar, Kala Mala, Dist. Ahmednagar till filing of the chargesheet.

11. Criminal Application stands disposed of accordingly.

Sd/-  
[N.W. SAMBRE]  
JUDGE

arp/-