

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

Criminal Application No. 3140 of 2016

District : Jalna

1. Indarrao Madhav Jadhav,
Age : 50 years,
Occupation : Agriculture.

2. Anil Inderrao jadhav,
Age : 23 years,
Occupation : Agriculture.

3. Laxman Bapurao Jadhav,
Age : 36 years,
Occupation : Agriculture.

All R/o. Shirasgaon,
Taluka : Partur,
District : Jalna.

.. Applicants.

versus

1. The State of Maharashtra,
Through Police Station,
Partur, District : Jalna.

2. The Superintendent of Police,
Jalna, District : Jalna.

.. Respondents.

.....

Mr. S.J. Salunke, Advocate, for the applicants.

*Mr. N.T. Bhagat, Addl. Public Prosecutor, for
respondent nos.1 and 2.*

.....

CORAM : Smt. SADHANA S. JADHAV, J.

DATE : 11TH JULY 2016

ORAL ORDER:

Heard the learned Counsel for the applicants and the learned Addl. Public Prosecutor for respondent nos.1 and 2.

2. This is an application under Section 438 of the Code of Criminal Procedure, 1973. The applicants herein are apprehending their arrest in connection with Crime No. 131/2016, registered at Police Station, Partur, District Jalna, for the offences punishable under Sections 326, 324, 323, 143, 147, 149, 504 and 506 of the Indian Penal Code.

3. This Hon'ble Court vide order dated 16th June 2016, was pleased to protect liberty of the applicants and had directed to report to the Investigating Officer as and when called. There is no grievance that the applicants have not cooperated with the investigating agency.

4. It appears that the investigation is almost completed. Perused the injury certificate of the complainant Dilip s/o. Ramkishan Kharat. He has sustained four simple injuries and one grievous injury which is in the nature of fracture on the fibula. That, the applicants are being prosecuted

for the offence punishable under Section 326 of the IPC. The offences are triable by the Court of Magistrate. The injury certificate shows the opinion of the Doctor of Rural Hospital, Partur, which indicates that he is of the opinion that the grievous injury is caused in the course of struggle. It, therefore, cannot be said that it is an unilateral assault mounted by the present applicant.

5. Prima facie case is made out for grant of pre-arrest bail and confirmation of the order dated 16th June 2016.

6. Hence, the Application is allowed.

(a) In the event of arrest of the applicants, in connection with Crime No. 131/2016, registered at Police Station, Partur, District Jalna, for the offences punishable under Sections 326, 324, 323, 143, 147, 149, 504 and 506 of the Indian Penal Code, they be enlarged on bail, on their furnishing P.R. Bond in the sum of Rs. 15,000/- each, with one or two sureties of the like amount by each of them.

(b) The applicants shall cooperate with the investigating agency and report to the Investigating Officer as and when called by him for the purpose of investigation.

7. The Application stands disposed of in the aforesaid terms.

(Smt. SADHANA S. JADHAV)
JUDGE

.....