

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.3508 OF 2016

Sandip Namdeo Khade,
Age-27 years, Occu-Agriculture
and Service,
R/o Karanjavan, Tq.Patoda,
Dist. Beed

APPLICANT

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Shivaji Nagar, Police Station,
Beed, Tq. And Dist. Beed.

RESPONDENT

Mr.K.D.Khade, Learned Counsel for the applicant.
Mr.C.V.Dharurkar, APP for the respondent/State.

(CORAM : SMT. SADHANA S. JADHAV, J.)

DATE : 11/07/2016

PER COURT :

1. Heard learned counsel for the applicant, learned counsel for the original complainant and learned APP.
2. The applicant herein is apprehending arrest in Crime No.173/2016, registered at Shivaji Nagar Police Station, Tal and Dist.Beed for the offences punishable u/s 307, 323, 504, 506 r/w 34 of IPC.

3. It is the case of the prosecution that on 24/02/2016, Maruti Ugalmugale lodged a report at the police station contending therein that on 22/02/2016, his nephew Bhagwan Khade, his wife Surekha and other relatives had come to his house and had insisted upon him to transfer the land in his name. His wife Vijaya was abused. He learnt about the incident after he returned home. The report was lodged by his wife on 23/02/2016. Thereafter on the same day, the present applicant accosted him on the way and assaulted him with iron rod on his back. He had insisted upon the complainant to help him to get the land transferred in his name. He was brutally assaulted. On the basis of his report, crime was registered at the concerned Police Station.

4. Learned counsel for the complainant has placed on record the photograph of the complainant which shows the injuries sustained by the complainant. It appears that the complainant had sustained traumatic injuries on his back and thighs whereas greivous injury was sustained on his tibia. He was taken to Civil Hospital, Beed. The MRI scan of knee joint would show that there was a diffuse hyper intensity in the anterior cruciate ligament suggestive of strain. There was a diffuse subcutaneous edema around the knee joint.

5. It is also submitted that on 14/07/2012, one Santosh Thorat had also filed a report against the present applicant, on the basis of which Crime No.138/2012 was registered against the applicant at Shivaji Nagar Police Station for offences punishable u/s 324, 504, 506 r/w 34 of the IPC. The said case is pending.

6. The learned APP submits that the applicant has criminal antecedents and that in the event of being enlarged on pre-arrest bail, the possibility that he may get involved into similar offences cannot be ruled out. It is true that Crime No.138/2012 is registered against the applicant for offence punishable u/s 324 of the IPC which at that time was a bailable offence.

7. Upon perusal of the injury certificate and the photographs, it prima-facie appears that the applicant has committed an offence under section 326 of the IPC and it cannot be said at this stage that he has committed an offence under section 307 of the IPC.

8. Taking into consideration all these aspects, the applicant deserves pre-arrest bail upon imposing certain stringent conditions. Hence following order :-

[a] Application is allowed.

- [b] In the event of arrest, the applicant be enlarged on bail on furnishing PR bond in the sum of Rs.25,000/- (Rs. Twenty five thousand only) and one or two sureties in the like amount.
- [c] The applicant shall not enter within the jurisdiction of Shivaji Nagar Police Station till filing of the charge sheet.
- [d] The applicant shall report to the concerned police station on every Monday and Wednesday between 10.00 a.m. to 12.00 noon till filing of the charge sheet.

9. It is made clear that this Court has not exonerated the applicant but it is only in the facts of the case that he is granted pre-arrest bail.

10. Application is allowed in the above terms and stands disposed of.

(SMT. SADHANA S. JADHAV, J.)