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

CRIMINAL APPLICATION NO. 4038 OF 2016

Nilesh s/o Gopal Raipure,
Age: 25 years, Occu: Agri.,
R/o. Harsoda, Tq. Malkapur,
Dist. Buldana

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

Mr R. N. Dhorde, Senior Advocate instructed by Mr N. K. Chaudhari,
Advocate for applicant;
Mr A. S. Shinde, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 12th August, 2016

ORAL ORDER :

Heard.

2. By the present application under section 439 of the Code of Criminal Procedure, the applicant seeks his release on bail, in connection with C.R. No.111 of 2016, registered with police station, Muktainagar, Dist. Jalgaon, for offences punishable under sections 392, 307, 341 and section 34 of the Indian Penal Code.

3. It is the case of the complainant that he was assaulted by the applicant with the help of an iron rod. He thereafter became unconscious and was shifted to Primary Health Centre, Kurha, where he narrated that cause of injury suffered by him was vehicular with assault. The complainant thereafter was referred to the General Hospital, Jalgaon, from where he got himself discharged and got admitted in a private hospital.

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4. Ashwini hospital, where the complainant was lastly hospitalized certified that the applicant has suffered abrasion to left side knee and right leg tibia. There is also an injury to left eye with swelling and head injury.

5. The role attributed to the applicant is that of assault, whereas the complainant himself, when he was taken to primary health centre, has given history that he has suffered injuries on account of vehicular accident.

6. The applicant was arrested and was subjected to custodial interrogation.

7. Looking to the investigation as is carried out, there appears to be substantial variance in the narration of the complainant and particularly in the first information report and medical papers. The complainant, when he ran away from the spot, claimed to have become unconscious in the field of Shriram Zalte, where also he has not narrated that some persons have assaulted him, but knowing fully well has not narrated the applicant.

8. In view of above, false implication of the applicant in the crime in question, cannot be ruled out. Thus, in my opinion, it will be appropriate to direct release of the applicant on bail. I, therefore, pass following order :-

The applicant be released on bail, in connection with C.R. No.111 of 2016, registered with police station, Muktainagar, Dist. Jalgaon, for offences punishable under sections 392, 307, 341 and section 34 of the Indian Penal Code, on furnishing P.R. Bond of Rs.15,000/- with one surety in the like amount.

The applicant shall not enter the jurisdiction of police station, Muktainagar, Dist. Jalgaon till filing of the charge-sheet.

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Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj