

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

**911 CRIMINAL APPLICATION NO. 4399 OF 2016
WITH
APPLN/4526/2016
IN
APPLN/4399/2016**

**AMBADAS S/O BHANUDAS PARJANE
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

.....

Mr. N.L.Jadhav, Advocate for Applicants.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

.....

WITH

911 CRIMINAL APPLICATION NO. 4605 OF 2016

WITH

APPLN/4777/2016

IN

APPLN/4605/2016

WITH

APPLN/4807/2016

IN

APPLN/4605/2016

BHARAT S/O RANUJI PARJANE

VERSUS

THE STATE OF MAHARASHTRA

.....
Mr. S.J.Salunke, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp. – State.

.....
CORAM : A.M.BADAR, J.

DATE : 1st SEPTEMBER, 2016
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PER COURT :

1. Learned counsel for the applicants in Criminal Application No. 4399 of 2016 seeks leave to correct Crime number. Leave granted. Amendment to be carried out forthwith.

2. The applicants in Criminal Application No. 4399 of 2016 are seeking regular bail, whereas the applicant in Criminal Application No. 4605 of 2016 is seeking anticipatory bail in Crime No. 94/2016 registered at Shirur Kasar police station, Dist. Beed for the offences punishable u/ss 307,147,148,149,324,504,506 of the Indian Penal Code and u/s 4/25 of the Indian Arms Act.

3. Heard learned counsel for the applicants. On behalf of applicants Ambadas and Ranuji in Criminal Application No. 4399 of 2016, it is argued that investigation of the crime as against them is complete and there is no cause for their further detention. It is argued on behalf of the applicant Bharat in Criminal Application No. 4605 of 2016 that injuries suffered by the informant are simple in nature as seen from

the injury certificate annexed to the application filed on behalf of the informant. Therefore, in submission of the learned counsel for the applicant Bharat, applicability of Section 307 of the Indian Penal Code to the crime in question is seriously doubtful and the offence, if any, which can reasonably be made out is that of u/s 324 of the Indian Penal Code. Therefore, according to the applicants, they are entitled for bail.

4. My attention is drawn to the order passed by this Court in Criminal Application No. 4368 of 2016 on 10/08/2016 and it is argued by the learned counsel for the applicants that at the instance of applicants Ashruba and others, Crime No. 89/2016 was registered against the present informant Pandit Ashruba Parjane and his relatives for the offences punishable u/ss 326,324,323,504,506 of the Indian Penal Code. My attention is also drawn to the letter dated 12/07/2016 issued by the Investigating Officer disclosing the fact that applicant Ranuji had suffered grievous injury in Crime No. 89/2016. It is argued that this Court by the order passed in Criminal application No. 4368 of 2016 had granted anticipatory bail to the informant Pandit Parjane and 3 other accused persons, though they had caused grievous injuries to the applicants. On behalf of the applicants, same treatment is expected as argued.

5. Learned A.P.P. opposed the application by contending that the learned counsel appearing in some matter, wherein applicant Bharat Parjane was not party, had made the

statement before this Court that Bharat will surrender before the Investigating Officer and, therefore, applicant Bharat is not entitled for the anticipatory bail. Learned A.P.P. has not disputed the fact that injured in Crime No. 94/2016 have suffered simple injuries as certified by the Medical Officer. It is argued that the offence alleged against the applicants is serious and, therefore, they are not entitled for bail.

6. Perused the material placed on record. F.I.R. came to be lodged by Pandit Parjane which has resulted in registration of Crime No. 94/2016. Pandit Parjane is one of the accused in Crime No. 89/2016 registered at the instance of present applicant Ambadas Parjane. Informant Pandit is already granted anticipatory bail by this Court in that matter.

7. In this back-drop, the averments in the F.I.R. lodged by Pandit are to the effect that the applicants and co-accused quarreled with them in front of the hotel and they assaulted the informant as well as his father and brother by means of dangerous weapons. Perusal of injury certificate shows that Pandit had suffered ear cutting injury. Ashruba had suffered 1 contused lacerated wound and Hanumal had suffered 4 contusions and 1 contused lacerated wound. All these injuries are certified to be simple injuries by the Medical Officer. In this view of the matter, I see no reason to deny bail to the applicants Ambadas and Ranuji.

8. Similarly, as seen from the injury certificate, injuries are simple in nature. Offence punishable u/s 307 of

the Indian Penal Code does not require even causing of injury, but what is material is intention coupled with overt act. In the case in hand, causing of simple injuries reflect intention which may not boil to intention to commit murder. There is no reason to deny anticipatory bail to Bharat. Hence, the following order.

(i) Both applications are allowed.

(ii) Applicant No. 1 Ambadas s/o Bhanudas Parjane and applicant No. 2 Ranuji s/o Bhanudas Parjane in Criminal Application No. 4399 of 2016 in Crime No. 94/2016 registered at Shirur Kasar police station, Dist. Beed for the offences punishable u/ss 307,147,148,149,324,504,506 of the Indian Penal Code and u/s 4/25 of the Indian Arms Act be released on bail on executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] each and on furnishing surety in the like amount.

(iii) Applicant Bharat s/o Ranuji Parjane in Criminal Application No. 4605 of 2016 in Crime No. 94/2016 registered at Shirur Kasar police station, Dist. Beed for the offences punishable u/ss 307,147,148,149,324,504,506 of the Indian Penal Code and u/s 4/25 of the Indian Arms Act in the event of his arrest be released on bail on executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] and on furnishing surety in the like amount.

(iv) As a condition of this Order, the applicants in

both Criminal Applications shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(v) The applicants in both Criminal Applications shall not tamper the evidence of the prosecution.

(vi) Applicant Bharat s/o Ranuji Parjane in Criminal Application No. 4605 of 2016 shall attend concerned police station on 11/09/2016 in between 11.00 a.m. and 1.00 p.m. and he should co-operate the Investigating Officer in the investigation of the crime in question.

9. Criminal Application No. 4399 of 2016 and Criminal Application No. 4605 of 2016 stand disposed of.

10. In view of disposal of main applications, Misc. Criminal Application, if any, stands disposed of.

[A.M.BADAR, J.]