

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

Criminal Application No. 5566 of 2016

District : Osmanabad

Navnath s/o. Ram Kambale,
Age : 30 years,
Occupation : Service,
R/o. Katgaon,
Taluka : Tuljapur,
District : Osmanabad. .. Applicant.

versus

1. The State of Maharashtra,
Through the Secretary,
Home Department,
Mantralaya, Mumbai.
2. The Superintendent of Police,
Osmanabad, Dist. Osmanabad.
3. The Police Station, Naldurg,
Through its Police Inspector,
Naldurg, Taluka : Tuljapur,
District : Osmanabad. .. Respondents.

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Mr. Krishna K. Kulkarni, Advocate, for the applicant.

*Mr. S.D. Ghayal, Addl. Public Prosecutor, for
respondent nos.1 to 3.*

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CORAM : A.M. BADAR, J.

DATE : 17TH OCTOBER 2016

ORAL ORDER:

The applicant / accused in Crime No. 04/2016 registered with Naldurg Police Station, Taluka Tuljapur, District Osmanabad, by this application, is seeking his release in the event of his arrest for offences punishable under Sections 307, 143, 147, 148, 149, 323, 506 of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Section 4/25 of the Arms Act.

2. Heard the learned Counsel appearing for the applicant / accused. He argued that the applicant is in service. He is falsely implicated in the case. Role attributed to the applicant is only of assault by means of a stick. Custodial interrogation of the applicant is therefore not warranted.

3. The learned Addl. Public Prosecutor opposed the application by contending that name of the applicant is mentioned by all eye witnesses to the incident in question and injuries caused to the informant and his nephew Shailesh are serious.

4. Perused papers of investigation. Informant Sangameshwar s/o. Pralhad Sakhare had suffered injury of size 2 x 2 x 2 cms. near right ear caused by sharp weapon and Primary Health Centre, Katgaon, Taluka Tuljapur, District Osmanabad, referred him to the

higher centre for further medical treatment. Shailesh Sakhare had suffered two incised wounds and one contused lacerated wound. He has also suffered fracture injury of head of 1st Metacarpal on right side. Statements of witnesses so also the FIR shows that weapon such as sword, *Katti* and sticks were used in the crime in question. Seat of injury and weapon used are relevant. Prima facie unlawful assembly with common object formed by accused persons including the applicant is reflected from papers of investigation. Considering the weapons used and the result thereof and the fact that the applicant was one of the members of the unlawful assembly, no case for anticipatory bail is made out.

5. The Application is accordingly rejected.

(A.M. BADAR)
JUDGE

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