

(1)

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

CRIMINAL APPLICATION NO. 6148 OF 2016

Mayur s/o Vishnu Jadhav,
Age: 22 years, Occu: Business,
R/o Saraswati Colony, Shrirampur,
Tq. Shrirampur, Dist. Ahmednagar ..APPLICANT

VERSUS

The State of Maharashtra,
Through the Police Inspector,
Shrirampur City Police Station,
Tq. Shrirampur, Dist. Ahmednagar ..RESPONDENT

Mr R. R. Karpe, Advocate for applicant;
Mr S. N. Morampalle, Addl. Public Prosecutor for respondent

CORAM : A.S. CHANDURKAR, J

DATE : 16th December, 2016

ORAL ORDER :

The applicant apprehends his arrest in connection with Crime No. I-210 of 2016 registered at Shrirampur Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 & 506 of the Indian Penal Code.

2. As per the first information report, the informant stated that on 16th August, 2016, the applicant alongwith others were standing near the Court premises. When the informant with others was on road in front of gate of the Court, at that point of time, one Deelip Sanap tried to assault the informant with a knife. The present applicant and others assaulted him with wooden sticks and kicks. On that basis, report came to be lodged.

(2)

3. It is submitted by the learned Counsel for the applicant that allegations of general nature have been made against the present applicant. No specific role has been attributed to him. He referred to the statements of eye witnesses Yudhishtir and Pandharinath to submit that they have not taken name of the applicant. He submitted that the injuries suffered by the informant are simple in nature and hence, interim protection granted earlier deserves to be continued. It is further submitted that two other similarly situated accused have been granted interim protection by the Sessions Court.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon police papers. It is submitted that the applicant was a part of the group that had assaulted the informant and informant had suffered injuries. It is also submitted that the applicant has some antecedents as earlier offence has been registered against him. It is therefore submitted that the application deserves to be rejected.

5. I have perused the police papers as well as first information report. It is alleged that the applicant alongwith others had assaulted the informant with wooden sticks and had given kicks. However, statements of eye witnesses Yudhishtir and Pandharinath do not refer to presence of applicant in the said group. The injuries suffered appear to be simple in nature on the basis of medical certificate. It is to be noted that two other accused namely Jitu Jedhe and Bunt Sarode, whose role is similar to that of the present applicant have been granted protection by the Sessions Court.

(3)

6. So far as earlier crime No. 72 of 2016 registered against the present applicant is concerned, it is submitted that the applicant has secured anticipatory bail in said offence. Considering the nature of material available so far as present offence is concerned, I do not find any reason to refuse protection to the applicant.

Hence the following order:

In the event of applicant's arrest in connection with Crime No. I-210 of 2016 registered at Shrirampur Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504 & 506 of the Indian Penal Code, he shall be released on bail on furnishing P.R. Bond of Rs. 15,000/-, with one surety in the like amount.

The applicant shall co-operate in investigation and also attend the Sessions Court, Shrirampur as and when directed.

The applicant shall not take any steps to influence the prosecution witnesses.

The observations made in this order are only for deciding the present application. Same is allowed and disposed of.

[A.S. CHANDURKAR]
JUDGE

sjk