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

CRIMINAL APPLICATION NO.6186 OF 2016

1. Kishan s/o Vishwanath Harkal,
Age: 53 years, Occ: Agri.,
R/o. Revgaon, Tq. & Dist. Jalna.
 2. Ram s/o Limbaji Harkal,
Age: 50 years, Occ: Agri.,
R/o. Revgaon, Tq. & Dist. Jalna.
 3. Laxman s/o Vishwanath Harkal,
Age: 39 years, Occ: Agri.,
R/o. Ghayal nagar, Old Jalna,
Jalna.
 4. Sadhana w/o Laxman Harkal,
Age: 34 years, Occ: Household,
R/o. Ghayal nagar, Old Jalna,
Jalna.
 5. Pradumn s/o Ram Harkal,
Age: 22 years, Occ: Household,
R/o. Ghayal nagar, Old Jalna,
Jalna.
- ..APPLICANTS

VERSUS

The State of Maharashtra,
Through Police Station
Kadeem Jalna, Tq. Jalna,
Dist. Jalna.

..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.6419 OF 2016
IN
CRIMINAL APPLICATION NO. 6186 OF 2016**

Prakash Vishwanath Ghayal,
Age: 55 years, Occ: Agri.,

(2)

R/o. Ghayal Nagar, Old Jalna,
Tq. & Dist. Jalna.

...APPLICANT

VERSUS

1. Kishan s/o Vishwanath Harkal,
Age: 53 years, Occ: Agri.,
R/o. Revgaon, Tq. & Dist. Jalna.
2. Ram s/o Limbaji Harkal,
Age: 50 years, Occ: Agri.,
R/o. Revgaon, Tq. & Dist. Jalna.
3. Laxman s/o Vishwanath Harkal,
Age: 39 years, Occ: Agri.,
R/o. Ghayal nagar, Old Jalna,
Jalna.
4. Sadhana w/o Laxman Harkal,
Age: 34 years, Occ: Household,
R/o. Ghayal nagar, Old Jalna,
Jalna.
5. Pradumn s/o Ram Harkal,
Age: 22 years, Occ: Household,
R/o. Ghayal nagar, Old Jalna,
Jalna.
6. The State of Maharashtra,
Through Police Station Kadeem
Jalna, Tq. & Dist. Jalna.

..RESPONDENTS

Mr P.P. More, Advocate h/f Mr S.S. Tope, Advocate
for applicants in Criminal Application No. 6186 of
2016 and for respondent Nos. 1 to 5 in Criminal
Application NO. 6419 of 2016;
Mr A.D. Namde, Add. Public Prosecutor for
respondent/State;
Mr S.J. Salunke, Advocate for complainant/applicant
in Criminal Application No. 6419 of 2016

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CORAM : A.S. CHANDURKAR, J.

DATE : 29th NOVEMBER, 2016

ORAL ORDER :

For the reasons stated in Criminal Application No. 6419 of 2016 seeking permission to assist the prosecution, same is allowed and disposed of.

Heard.

2. The applicants seek protection from their arrest pursuant to registration of Crime No. 340 of 2016 registered at Kadeem Jalna police station, District Jalna for offence punishable under Sections 307, 324, 143, 147, 148, 149, 323, 504 & 506 of the Indian Penal Code.

3. As per report lodged by one Prakash Ghayal, on 1st November, 2016 at about 12-30 p.m. when he was at home, the accused persons – applicants had come to his house. According to the

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informant, there was a dispute between the parties with regard to transfer of a plot belonging to the informant by forging the certain documents. It is stated that the applicant No. 2 herein assaulted son of the informant Rahul on his head, while the applicant No. 3 hit his son on his head with a sword. The applicant No. 5 assaulted the informant's wife with an iron pipe and they all gave abuses. The applicant No. 1 assaulted the daughter of informant with a stone on her head.

4. It is submitted by the learned Counsel for the applicants that considering the previous dispute between the parties, a false complaint had been lodged by the informant against the present applicants. The relations between the parties were strained and with a view to settle scores, present report had been lodged. It was then submitted that three injuries alleged are simple in nature and the allegations made in the first information report are based on exaggerations. Insofar as the applicant No. 4 is concerned, it was submitted that

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she was undergoing treatment at Sultanpur during the relevant period and she had been unnecessarily implicated.

5. The application is opposed by the learned Additional Public Prosecutor by relying upon the police papers. It is submitted that from injury certificates of Rahul, Jijabai and Rekha, it is clear that the assault on three of them as alleged had taken place. The nature of injuries sustained on the vital parts of Jijabai and Rahul clearly indicated the intention of the applicants. He, therefore, submits that the applicants are not entitled for any protection whatsoever.

These submissions are supported by the learned Counsel for the informant while assisting the prosecution.

6. I have perused the first information report as well as the police papers. The first information report clearly records overt act

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committed by the applicant Nos. 1 to 3 and 5. The injuries sustained by three victims corroborate the report lodged by the informant. Considering the nature of injuries consequent to the alleged overt act by these applicants, I do not find that they have made out any case for grant of protection.

7. Insofar as the applicant No. 4 – Sadhana w/o Laxman Harkal is concerned, the only allegations against her is of giving abuses. Considering the fact that there is no specific overt act attributed to her and in view of the certificate indicating treatment undertaken which is issued by the Medical Officer, Sultanpur, which place is away from the place where the incident occurred, I am inclined to grant protection to her.

8. In the aforesaid, the following order is passed :-

: O R D E R :

(i) Insofar as the applicant No. 4 Sadhana w/o

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Laxman Harkal is concerned, in the event of her arrest in connection with Crime No. 340 of 2016 registered at Kadeem Jalna Police Station, District Jalna for offences punishable under Sections 307, 324, 143, 147, 148, 149, 323, 504 and 506 of the Indian Penal Code, she shall be released on bail on furnishing P.R. bond of Rs.15,000/- with one surety in the like amount.

(ii) She shall attend the concerned police station on 7th December, 2016 and thereafter, as per directions of the Investigating Officer.

(iii) No steps shall be taken to influence the prosecution witnesses.

9. The application insofar as the applicant Nos. 1 to 3 and 5 is concerned, the same stands rejected.

10. Criminal Application No. 6186 of 2016 is partly allowed in above terms and disposed of.

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The observations made in the present order
are only for deciding the present application.

(A.S. CHANDURKAR, J.)

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