

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.6699 OF 2016

Sk. Mudassir Sk. Muniroddin .. Applicant

Vs.

The State of Maharashtra .. Respondent

Mr. S.V. Mundhe, Advocate for the applicant
Mr. A.V. Deshmukh, APP for the respondent/State

CORAM : A.S. CHANDURKAR, J.
DATE : 22/12/2016

ORAL ORDER :

Heard.

2. The applicant apprehends arrest in crime no.338 of 2016 registered at Kotwali Police Station, District – Parbhani for the offences punishable under Sections 307, 325, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the FIR dated 30/8/2016, informant has stated that on 25/8/2016 at about 1:00 pm, when he had gone to lodge a report with the Police Station with regard to earlier incident, the present applicant and one another person had stopped him. The applicant came

from behind and assaulted the informant with an iron rod on his head and left leg. The informant sustained injuries and hence lodged the aforesaid report after taking treatment on 30/8/2016.

4. It is submitted by learned counsel for the applicant that earlier Crime no.327 of 2016 had been lodged by the relative of the present applicant against the informant. He submitted that as a counter-blast to the aforesaid report, the present crime came to be registered. It is submitted that injuries sustained are not serious and therefore applicant is not entitled for protection.

5. Application is opposed by learned Additional Public Prosecutor by relying upon the police papers. It is submitted that statements of witnesses *prima facie* support the stand of the informant. Injury certificate indicates grievous injuries suffered by the informant. Hence it is submitted that application deserves to be rejected.

6. Perusal of the police papers indicates statements of about four witnesses who have stated that

they saw the applicant assaulting the informant with an iron rod on his head and left leg. The injury certificate dated 26/8/2016 indicates grievous injuries on the left leg. There are other injuries on the head of the informant which are simple in nature.

7. Considering the aforesaid material collected by the prosecution, I do not find any case made out to allow the present application. By clarifying that observations made in this order are only for deciding the bail application, same stands rejected. No costs.

[A.S. CHANDURKAR]
JUDGE

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