

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

CRIMINAL APPLICATION NO. 6895 OF 2015

Shyamrao s/o Dnyanba Mutkule,
R/o : Suldali (Budruk), Tq. Sengaon,
Dist. Hingoli

...Applicant

versus

The State of Maharashtra

...Respondent

.....
Mr. N. S. Ghanekar, Advocate for applicant
Mr. S. J. Salgare, A.P.P. for respondent
.....

CORAM : N.W. SAMBRE, J.

DATE : 19th JANUARY, 2016

ORAL ORDER :

The applicant is seeking pre-arrest bail in Crime No. 127 of 2015 for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of Indian Penal Code for the incident of 27/11/2015.

2. Mr. Ghanekar, learned Counsel for the applicant, while trying to make out a case for grant of bail, would urge that the complainant at the most suffered simple injuries and even if the accusations in the F.I.R. are taken to be correct, still there was no intention of the applicant to cause serious injury to the complainant,

as he was holding stick and not an axe. He would then submit that corresponding injury, if any, cannot be attributed to the applicant unless it is caused by weapon as alleged.

3. Learned A.P.P. submitted that injury certificate speaks of grievous injury to right hypochondriac area. According to him, as such, complainant sustained grievous injury, the applicant is not entitled for bail.

4. It is required to be noted here that grievous injury which is stated to be in the certificate has no corresponding external marks or injury at the same area, as such, in absence of specific allegations in the F.I.R. or otherwise, it is really hard to believe that the applicant is responsible for causing any such injury. In my opinion, custodial interrogation of the applicant is not necessary. Hence, the application is allowed. Hence, the following order.

In the event of arrest, applicant be released on bail, in connection with Crime No. 127 of 2015 registered with Goregaon Police Station, Tq. Senggaon, Dist. Hingoli for the offence punishable under Sections 324, 323, 504, 506 read with Section 34 of Indian Penal Code, upon executing P.R. bond of Rs.15,000/- with one surety in the like amount. The applicant shall attend the concerned police

station on 21st and 22nd January, 2016 in between 10-00 a.m. to 12-00 noon and thereafter as and when called by the Investigating Officer.

5. The application is allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/19.01.2016