

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO. 6984 OF 2016

MAROTI DATTARAM MORE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Balasaheb N. Magar.

APP for Respondent / State : Mr. S. P. Tiwari.

...

CORAM : **V. K. JADHAV, J.**
DATE : 27th December, 2016.
(Vacation Court)

ORDER:

. The applicant is seeking pre-arrest bail in connection with Crime No.388 of 2016 registered with Nanded (Rural) Police Station, Nanded for the offences punishable under Sections 326, 324, 323, 504 and 506 read with 143 of the Indian Penal Code.

2 On the basis of complaint lodged by one Yogesh Thakur dated 30th November, 2016, the aforesaid crime was registered. It has alleged in the complaint that on 29th November, 2016 at about 02:00 pm, when the Complainant / Yogesh Thakur was returning to his home, the present Applicant alongwith his associates met him and by giving abuses to him in filthy language, assaulted the Complainant. It has alleged in the complaint that the Applicant / Accused gave a blow

of iron rod on the head of Complainant and his associates also beaten the Complainant with the help of deadly weapons like sword and rod etc.

3 The learned counsel for Applicant submits that the Applicant is serving in police department and his service record is clean. The learned counsel submits that the marriage of Applicant was to be solemnized four days after the alleged incident and out of the rivalry, the Applicant came to be involved falsely in the said crime. In fact, the Applicant was not present on the spot as alleged. The learned counsel submits that there is a cross complaint and the crime is also registered on the basis of complaint lodged by one Rahul Ghogare dated 30th November, 2016. The learned counsel submits that in the said cross complaint, the presence of present Applicant was not mentioned. Even though there appears to be a free fight between two groups, the present Applicant has not sustained any injury and it indicates that he was not present at the spot. The learned counsel submits that the Complainant has not sustained any grievous injury and as per the allegations made in the complaint, though he was beaten by many persons, he had sustained only one injury on his head.

4 The learned APP submits that there are specific allegations in the complaint against the present Applicant as the Applicant has used deadly weapon like iron rod in the assault. The said weapon is yet to be recovered.

5 On careful perusal of the complaint, it appears that certain role is ascribed to the present Applicant. It has alleged in the Complaint that the Applicant gave a blow of iron rod on the head of Complainant / Yogesh Thakur. It further appears that there is a cross complaint. However, on perusal of the contents of cross complaint, it appears that the members of both the groups freely used the deadly weapons in the assault. So far as the submission that Applicant has sustained only one injury, however, there are specific allegations in the complaint that the Applicant gave a blow of iron rod on the head of Complainant / Yogesh Thakur. It further appears that investigation is in progress and the weapon alleged to have been used by the Applicant, is yet to be recovered. In view of this, no case is made out to grant the pre-arrest bail. Hence, the following order:

ORDER

- I. The criminal application is hereby rejected.

- II. The request to extend seven days protection is also hereby refused.

[V. K. JADHAV, J.]

ndm