

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO.662 OF 2016
(Ramesh s/o Ramchandra Ingale and others vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri Abhay Sambre, Advocate for applicants.
Shri S.A. Ashirgade, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : NOVEMBER 30, 2016

Heard learned Counsel for both sides.

This is an application for bail before arrest in
Crime No.211/2016 registered by Wadner Police Station
for the offences punishable under Sections 324, 326 and
307 read with Section 34 of Indian Penal Code on the
strength of report lodged by Harsha Ingale alleging that
on 29/6/2016 all the applicants, who are father and sons
respectively, committed assault on complainant's father,
mother and brother Mahesh by sticks on their back and
knees. Offences accordingly came to be registered in the
midnight of 1/7/2016.

It is the specific case of applicants that they
are falsely implicated due to old rivalry between
applicants and complainant and her family members
though they are related with each other. To
substantiate the case, learned Counsel for applicants has
relied upon N.C. registered on the strength of report
lodged by applicant no.1 Ramesh Ingale against father of
complainant, which is annexed to the application.

On perusal of aforesaid document, it appears that N.C. was registered on 29/6/2016 in respect of incident, which took place on that day at 23.29 hours wherein applicant no.1 had specifically stated that father of complainant Harsha, who is related to him as his nephew and having agricultural land adjoining to his land, was inviting quarrel on account of some agricultural dispute, which was about six months back settled with intervention of President of Dispute Redressal Committee. Despite all this, on 29/6/2016 at 7.30 p.m. father of complainant without any reason came in front of house of applicant no.1 and abused him in filthy language when applicant no.2 Subhash came out and enquired to him, as why he was abusing. At that time, applicant no.2 was assaulted by father of complainant on head by stick, which quarrel was pacified by applicant no.3. Having considered this document, it appears that lodging of report by Harsha is an outcome of the report lodged by applicant no.1 against her father on the strength of which N.C. came to be registered.

On perusal of the first information report, it is noted that there are no allegations of assault by applicants on the head of Dilip Ingale. The medical report produced with the case diary reveals that he is certified to have sustained injuries in the nature of two lacerations on scalp and one abrasion on knee, which can be possible by a hard and blunt object while injuries said to have been sustained by Shobha and Mahesh are by way of swelling on tenderness.

Considering the nature of injuries as

aforesaid, even otherwise, applicants can be said to have made out a case for grant of bail, which case further finds to be substantiated when it is specifically pleaded in para 17 of the application that when applicants were on ad interim bail granted by learned Sessions Court and they were directed to mark their presence with Police Station, they were directed by Police Authorities during their visit to Police Station to produce wooden sticks, which sticks were thus purchased by applicants and Police had seized the same. It is also the case of applicants that affidavit to that effect was placed before learned Sessions Court on 7/9/2016. Though learned Additional Public Prosecutor has referred to observation of learned Additional Sessions Judge while rejecting anticipatory bail application that applicants while on interim bail granted by that Court had indulged into assault by committing trespass in the house of mother of informant, in that case, same cannot be relied upon as it is. In that view of the matter, interim protection granted to applicants by this Court is liable to be confirmed. Hence, following order :

Interim protection granted to applicants on 6/10/2016 stands confirmed. Applicants are, however, further directed to attend Investigating Officer as and when called till filing of charge-sheet.

The criminal application is disposed of.

JUDGE

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