

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (ABA) NO.703 OF 2016

(Dinesh s/o Ashok Tayade ..vs.. State of Maharashtra, through PSO, PS Nandura, District Buldhana)

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

Court's or Judge's orders

Shri S.A. Mohta, Advocate for the applicant,
Shri C.A. Lokhande, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.
DATED : 29-11-2016

The learned Additional Public Prosecutor for the non-applicant has tendered affidavit-in-reply and has supplied the copy thereof to the learned Counsel for the applicant.

Heard learned Counsel for the applicant and learned Additional Public Prosecutor for the non-applicant.

It is the case of applicant that though his name is referred in First Information Report, the limited role assigned to the applicant is that the applicant has assaulted father of the complainant by kick blows and fist blows. It is thus contended that the applicant's case at the most comes within the ambit of Section 324 of the Indian Penal Code. It is, therefore, contended that applicant be released on bail on imposing suitable conditions so as to make available for the purpose of

investigation.

Perused the case diary. The First Information Report reveals that the offence came to be registered on the strength of report lodged by Mahendra Gole. The applicant is shown as accused No.2 and his father is shown as accused No.1. According to the report, assault is made by accused No.1 on the head of complainant's father by iron pipe due to which he sustained injuries, while the applicant is alleged to have manhandled him by kick blows and fist blows. The medical report established that the injured had sustained multiple injuries by iron rod.

Having considered the involvement of the applicant as aforesaid and the medical report, application is liable to be allowed.

In the event of arrest of the applicant in Crime No.145/2016 registered by Nandura Police Station, District Buldhana, applicant shall be released on bail on his executing P.R. Bond in the sum of Rs.15,000/- with one surety in the like amount. While on bail, applicant shall mark his presence with Police Station Nandura, District Buldhana for a period of one week from 02-12-2016.

The applicant shall produce proof of his residence and update the same in the event of change of residence

in future and shall attend the Investigating Officer, if called till filing of charge-sheet.

The application is allowed accordingly.

JUDGE

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