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

CRIMINAL APPLICATION NO.53 OF 2017

Anil s/o. Vitthal Pardesi,
Age: 44 years, Occu.: Agri.,
R/o. Pungaon, Tq. Pachora,
Dist. Jalgaon

..APPLICANT

VERSUS

The State of Maharashtra

..RESPONDENT

**WITH
CRIMINAL APPLICATION NO.316 OF 2017
IN
CRIMINAL APPLICATION NO.53 OF 2017**

Manoj Raju Amle,
Age: 23 years, Occu: Education,
R/o. Pungaon, Tq. Pachora,
Dist. Jalgaon

..APPLICANT

VERSUS

1. Anil s/o. Vitthal Pardesi,
Age: 44 years, Occu.: Agri.,
R/o. Pungaon, Tq. Pachora,
Dist. Jalgaon

2. The State of Maharashtra

..RESPONDENTS

Mr S.S. Jadhav, Advocate for applicant in Criminal
Application No.53 of 2017 and for respondent no.1
in Criminal Application No.316 of 2017.;

Mr R.V. Dasalkar, Addl. Public Prosecutor for
respondent/State.

Mr. S.S. Phatale, Advocate to assist A.P.P.

(2)

CORAM : N.W. SAMBRE, J.**DATE : 17th JANUARY, 2017****ORDER :**

For the reasons stated in Criminal Application No.316 of 2017 seeking permission to assist the prosecution, same stands allowed.

2. In Criminal Application No.53 of 2017, the applicant Anil is seeking pre-arrest bail in crime no.137 of 2016 registered on 19th September, 2016 for the alleged incident dated 18th September, 2016, registered with Pachora Police Station, District Jalgaon, for the offence punishable under Sections 307,143,147,148,149,323,504,506 of the Indian Penal Code.

3. The prosecution story as is apparent from the contents of first information report is, complainant Manoj alleged that on 18th September, 2016 he had some differences with one Rahul, son of applicant, on the issue of hand loan amount and same has resulted in to a quarrel. It is then

(3)

claimed that at around 10 in the night, the entire family members of the applicant came in front of house of the complainant, abused him, issued threats and then applicant has assaulted Vinod Amle with fist blows. It is then claimed that other family members of the complainant came there and tried to separate the quarrel. It is further alleged that Bapu assaulted Vinod with iron rod, resulting into serious injuries suffered by both Bapu and Vinod. It is claimed that all accused persons issued threats and left the spot.

4. While seeking pre-arrest bail in the crime in question, Mr. Jadhav, learned counsel for the applicant would invite my attention to the spot panchnama so as to submit that the spot is entirely covered by three sides from the house of the complainant. He would then submit that there are general allegations without any specific attributions against the applicant and as such, the applicant is entitled to be released on bail. In addition, he would rely upon the contents of Crime

(4)

No.138 of 2016 registered with Pachora Police Station, Jalgaon for the offence punishable under Sections 324,143,147,148,149,323,504,506 of the Indian Penal Code, registered at the behest of accused Bapu against the complainant and his family members including that of victim Vinod.

5. Learned Additional Public Prosecutor, assisted by learned counsel for the complainant, would submit that in view of the said fight, Vinod has suffered grievous injuries and was required to undergo about three operations and as such, there is involvement of the applicant in serious crime. It is then claimed that custodial interrogation of the applicant is necessary as absence of the applicant Anil on the spot is not in dispute as is apparent from investigation papers and sought rejection of the application.

6. What could be gathered from the available material on record is, investigation in the matter is complete and charge sheet is already filed.

(5)

There are no criminal antecedents against applicant Anil. The spot panchnama depicts that the spot is entirely within the domain of the complainant Amle family, as from three sides, house of the complainant are located. Apart from above, the fact is that in F.I.R., there are general attributions against the applicant with no specific role. The specific role qua assault on Vinod is attributed to one Bapu who is already arrested.

7. Apart from above, there is counter F.I.R. registered against the complainant and his family members. As such, false implication of the applicant in the said crime can not be ruled out.

8. In view of above, the following order is passed :

(i) In the event of applicant's arrest in crime no.137 of 2016 registered with Pachora Police Station, District Jalgaon, for the offence punishable under Sections 307, 143, 147, 148, 149,

(6)

323, 504, 506 of the Indian Penal Code, he be released on bail, on furnishing P.R. Bond of Rs.15,000/- with one or two sureties.

(ii) He shall neither influence the prosecution witnesses nor tamper with the prosecution evidence.

(iii) Two consecutive absence of the applicant during the trial before the Court below shall entail the Court below to initiate proceedings for cancellation of bail.

9. Criminal Application No. 53 of 2007 stands allowed in above terms.

(N.W. SAMBRE, J.)

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