

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

CRIMINAL APPLICATION NO. 1098 OF 2017

Hemraj s/o Pandurang Wagh,
Age 32 years, Occu. Soldier,
R/o Dahiwad, Taluka Chalisgaon,
District Jalgaon at present
Almoda City, Uttarakhand

..Applicant

Versus

The State of Maharashtra,
at the instance of Mehunbare
Police Station, Chalisgaon
Taluka Chalisgaon,
District Jalgaon

..Respondent

CORAM : N.W. SAMBRE, J.

DATE : 9th March 2017

PER COURT

Heard.

2. In C.R. No.4 of 2017, registered at Mehunbare Police Station, Chalisgaon, Taluka Chalisgaon, District Jalgaon, for offences punishable under Sections 307, 395, 452, 323, 504, 506 of Indian Penal Code and under Section 4/25 of the Indian Arms Act, the applicant is seeking regular bail.

3. The prosecution case against the applicant is that the applicant on 6th January 2017, assaulted the complainant by sword, resulting in complainant suffering simple injuries.

4. The applicant came to be arrested on 8th January 2017 and was subjected to custodial interrogation. No weapon is seized from the applicant.

5. It is then to be noted that prior to the incident in question at the behest of mother of the present applicant, already crime is registered against the father of complainant in C.R. No.2/2017 for the offences punishable under Sections 354-A, 394, 323, 506 of the Indian Penal Code.
6. There is unexplained delay of two days in lodging the first information report.
7. The applicant is a public servant serving in Indian Army and as such is available for prosecution. In view thereof, in my opinion, application deserves to be allowed.
8. The applicant be released in C.R. No.4 of 2017, registered at Mehunbare Police Station, Chalisgaon, Taluka Chalisgaon, District Jalgaon, for offences punishable under Sections 307, 395, 452, 323, 504, 506 of Indian Penal Code and under Section 4/25 of the Indian Arms Act, upon furnishing P.R. bond of Rs.25,000/- with one or two sureties in the like amount.
9. The applicant shall attend the trial regularly. Two consecutive absence of the applicant before the trial Court will entail for taking out proceedings for cancellation of bail.
10. Till conclusion of trial, the applicant shall keep himself away from the jurisdiction of Mehunbare Police Station.
11. The applicant shall not influence the prosecution witnesses and shall not tamper with the evidence.

12. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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