

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

Criminal Application No. 01167 of 2017

District : Dhule

1. Aman s/o. Anil @ Anna Bendwal,
Age : 23 years,
Occupation : Service.

2. Milind @ Rohit s/o. Anil
@ Anna Bendwal,
Age : 25 years,
Occupation : Service.

Both R/o. Mehatar Colony,
Opp. to Shirpur Court,
Shirpur, Taluka Shirpur,
District Dhule.

.. Applicants.

versus

1. The State of Maharashtra,
Through Superintendent of Police,
Dhule.

2. P.S.I., Shirpur Police Station,
Shirpur, District Dhule. .. Non-applicants.

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*Mr. Prakashsing B. Patil, Advocate, for the
applicants.*

*Mr. A.R. Borulkar, Addl. Public Prosecutor,
for non-applicant nos.01 and 02.*

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CORAM : T.V. NALWADE, J.

DATE : 06TH APRIL 2017

ORAL ORDER :

By the present application, the applicants are seeking pre-arrest bail in connection with Crime No. 29/2017 registered with Shirpur City Police Station, District Dhule, for offences punishable under Sections 143, 147, 148, 149, 452, 324, 427, 323, 395, 504 and 506 of the Indian Penal Code.

02. Both the sides are heard. Perused the papers of investigation which are made available by the learned Addl. Public Prosecutor for perusal of the Court.

03. The crime was registered on the basis of report given by one Sitaram Bapu Wadar. On 23.01.2017, there was altercation between the complainant and Anna Bendwal, father of applicant no.01, on account theft of pigs belonging to the complainant. Report was also given against father of applicant no.01 and other by father of the complainant. It was registered as non-cognizable offence under Sections 504 and 506 of the Indian Penal Code. Today, copy of that report is produced on record.

04. On 26.01.2017, as per the complaint of Sitaram Bapu Wadar, one Hitesh Bendwal, Karan Pandit, Rohit Bendwal, Aman Bendwal (present applicant no.01), Anna Bendwal, Sunny Bendwal, Rahul Bendwal, Santosh Bendwal and Pawan Bendwal, in all 09 persons

entered their house with weapons like knife, sticks, iron rods and they started assaulting complainant and his father Bapu by saying that why complaint was given against them at the Police Station. Specific allegation is made against Hitesh Bendwal that he caused injury to the complainant on left hand and rib by means of knife. Similarly, there is specific allegation against Rahul Bendwal, that he caused injury to the complainant on his leg by means of iron rod. The persons named in the FIR also assaulted the complainant and his father by means of fist and kick blows and they went away by giving threat to the life of the complainant. It appears that in supplementary statement dated 27.01.2017, more allegations were made, that during the incident some ornaments were taken away by the above persons.

05. It can be said that no specific role is attributed to the present applicants in the FIR. It can be said that the stab injury was caused on the chest of the complainant. Even Section 307 of the IPC could have been applied, but Section 324 of the IPC is applied and subsequently, Section 395 of the IPC is added. As there are no specific allegations against the present applicants and all family members of accused Anna Bendwal are mentioned in the FIR, so also, there were only four injuries on the person of the complainant, this Court holds that the applicants are entitled for pre-arrest bail.

06. In the result, the Application is allowed.

Ad interim pre-arrest bail granted in favour of the applicants, by order dated 06th March 2017, is confirmed.

(T.V. Nalawade)
JUDGE

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