

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

CRIMINAL APPLICATION NO. 1455 OF 2017

Shivdas s/o. Waman Mundhe .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.S.S. Thombre, Advocate for the applicant.

Mr.S.W. Mundhe, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 28.04.2017

P.C. :-

1. This application is filed for anticipatory bail. Both the sides are heard. Previous application for anticipatory bail bearing Criminal Application No.3486 of 2015 was withdrawn on 22.07.2015 when this Court was not inclined to grant relief. Second application was withdrawn on 15.01.2016.

2. This is third application filed for the relief of anticipatory bail in C.R.No.21 of 2015, registered with Pimpaldari Police Station, Tq. Gangakhed, Dist. Parbhani, for the offences punishable under section 307, 279, 337, 338, 427 of the Indian Penal Code. In view of this circumstance, it was necessary for the applicant to

show that there has been change in the circumstances. Learned Counsel for the applicant submitted that three persons like Shatrughna, Datta and Bharat have filed affidavits that it was sheer accident and there was no intention. However, there is no such affidavit of first informant that the applicant had no intention to kill him. Present applicant was working as a driver on the tractor of Narayan – complainant. The allegations are made that Narayan had disposed of the tractor, so the applicant was removed from the job. The allegation is made that present applicant used to give threat of life to the complainant. It is case of the complainant that on 03.05.2015 at 9.30 a.m. when he was riding motor cycle from opposite direction, present applicant came by driving tractor. As the complainant had apprehension that applicant may drive tractor on him, he took the motor cycle to extreme left hand side. Present applicant drove the tractor on motor cycle and gave dash to motor cycle. The complainant sustained fracture injury to his right hand and some injuries to other parts like chest, ribs etc. His motor cycle was virtually crushed as it came under the tractor. Thus, the complainant sustained loss of Rs.40,000/-. There is record like spot panchanama, MLC in respect of the injuries. That record is consistent with the allegation made by the complainant.

3. The circumstance that three persons have filed affidavits in support of application of present application itself is sufficient to hold that the applicant is tampering with the prosecution witnesses. Previously, when the applications were rejected, the applicant had not surrendered and police have not arrested him. Therefore, relief cannot be granted in favour of the present applicant.

4. The Criminal Application stands rejected.

[T.V. NALAWADE, J.]