

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

CRIMINAL APPLICATION NO. 1568 OF 2017

Avinash s/o. Bapu Wadhe .. Applicant
Age. 26 years, Occ. Education,
R/o. Kurha Kakoda, Tq. Muktainagar,
Dist. Jalgaon.

Versus

The State of Maharashtra .. Respondent
Through Police Station, Muktai Nagar,
Dist. Jalgaon.

Mr.K.B. Jadhav h/f. Mr. S.B. Bhapkar, Advocate for the
applicant.

Mr.A.R. Borulkar, A.P.P. for respondent/State.

CORAM : T.V. NALAWADE, J.

DATED : 07.04.2017

P.C. :-

1. The application is filed for relief of anticipatory bail. Both sides are heard. The investigation papers are made available for the perusal of this Court by the learned A.P.P.

2. The crime is registered on the basis of report of Vandana for offence punishable under sections 143, 147, 148, 149, 307, 354, 427, 504 and 506 of the Indian Penal Code in Muktainagar Police Station, Jalgaon. She made allegations that on 17.01.2017 at about 10.00 a.m. when she and her relatives were present near Tea stall, which was constructed by raising bamboos, present

applicant and others came and started pulling down the structure by saying that it was place meant for their board. The allegations are made that Dnyaneshwar gave blow of rod on the head of complainant's nephew – Raju. The Satish misbehaved with her. Thus, the crime of aforesaid nature came to be registered.

3. This Court has seen the injury certificate. The certificate shows that one CLW was found and other injury was on neck with blunt trauma.

4. It can be said that there was some dispute between two sides over some space. It is not case of the complainant side that the place where the structure is erected belongs to them. Prima facie, there are no allegations made against present applicant.

5. In view of these circumstances, protection is to be given to the present applicant.

6. The interim relief granted by this Court on 24.03.2017 is hereby confirmed. The application is allowed in those terms.

[T.V. NALAWADE, J.]