

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

19 CRIMINAL APPLICATION NO. 1615 OF 2017
With
CRIMINAL APPLICATION NO. 1898 OF 2017

VIJAY BHIMRAO DISAGAJ AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Shri. R.B. Narwade-Patil, Advocate, for applicants.

Shri. S.M. Ganachari, Additional Public Prosecutor, for respondent.

Shri. Akshay S. Radikar, Advocate, for the complainant to assist the Additional Public Prosecutor.

Coram: T.V. NALAWADE, J.

Date: 10 April 2017

ORDER:

1) Permission is granted to correct the name of applicant No.6.

2) Criminal Application No.1898 of 2017 filed for permission to assist the learned Additional Public Prosecutor is allowed. The applicant is allowed to assist the learned APP but he is not allowed to address the Court.

3) The application is filed for the relief of anticipatory bail. The papers of investigation were made available by the learned Additional Public Prosecutor for perusal. Both the sides are heard.

4) This Court has perused papers of investigation which include the injury certificates in respect of first informant Kantabai, injured witness Amol, injured witness Tarachand and injured witness Bhagwan. Kantabai sustained fracture injury to second metacarpal of right hand. Others also sustained at least two injuries and some injuries were sustained to head. Allegations are made against the applicants that they actively participated in the incident. Weapons like iron bar, axe etc. were used. No injury which can be caused by axe was found on the persons of any injured. Specific role is attributed to accused Nos.1 to 4 by the complainant and other injured witnesses. The learned counsel for applicant Nos.1 to 4, on instructions, submitted that he wants to withdraw the application of applicant Nos.1 to 4. So their application stands disposed of as withdrawn. Interim protection granted in favour applicant No.4 Amol is vacated. The

police are to ascertain as to whether applicant Amol is juvenile as the school leaving certificate is produced to show that on the date of the incident he had not completed 18 years of age. However, there is statement in the report given by him in respect of the same incident and he had given his age as 18 years.

5) The other record shows that there are vague allegations as against applicant Nos.5 to 11. In view of nature of allegations made against these applicants, this Court holds that there is possibility of exaggeration. The incident took place out of political rivalry. In view of these circumstances interim relief granted in favour of applicant Nos.5 to 11 is hereby confirmed. The applicant No.5-Kishor, applicant No.6-Babasaheb and applicant No.7 - Gajjan are to attend the concerned police station on every Sunday between 9.00 a.m. and 12.00 noon for a period of one month from today and they are to cooperate police during investigation. The application stands disposed of.

Sd/-
(T.V. NALAWADE, J.)

rs1