

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

3 CRIMINAL APPLICATION NO. 1627 OF 2017

BHIKAN S/O. DILIP JADHAV @ PATIL AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA AND ANR

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Shri. Nitin B. Suryawanshi, Advocate, for applicants.

Shri. S.D. Ghayal, Additional Public Prosecutor, for respondents.

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**Coram: T.V. NALAWADE, J.**

**Date: 11 April 2017**

**ORDER:**

1) The application is filed for relief of anticipatory bail. Both the sides are heard. Original papers of investigation were made available to this Court.

2) The crime is registered for offences punishable under sections 307, 149 etc. of the Indian Penal Code at CR No.19/2017 in Dhule Taluka Police Station, District Dhule against the present applicants and others on the basis of report given by Suryakant Patil.

3) Some incidents took place on 8-1-2017 and 9-1-2017 between these boys. Some boys are of Bhil community and some are from other community. There are allegations that one Sunil Motiram Patil, who was of Patil community, was creating rift between Bhil community persons and Patil community persons and due to that quarrels had taken place. Allegations are made that on 9-1-2017 at 4.00 p.m. in one incident Sandip More gave blow of sword on the head of the complainant and at that time present applicants were present on the spot. Even prior to that present applicants had gone to the residence of the complainant with Sandip More but at that time complainant Suryakant was not there. Allegations are made that present applicants had assaulted Suryakant with wooden log, fist blows and kicks. The papers show that in respect of the same incident counter F.I.R. was registered at Crime No.18/2017 for offences punishable under sections 307, 143, 147, 149 of the Indian Penal Code and under section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. In that incident Sandip More was injured due to blow of sword. Thus complainants of two sides sustained injuries

due to sword. Injury in respect of Suryakant shows that he sustained one injury due to sword which was bleeding injury. The injury was grievous.

4) Learned Additional Public Prosecutor submitted that in the past more crimes like Crime No.268/2016, Crime No.98/2015 and Crime No.14/2017 were registered against Bhikan and others. Crime No.268/2016 was registered for offences punishable under section 295, 153-A, 149 etc. of the Indian Penal Code. Crime No.98/2015 was registered for offences punishable under sections 352, 149 etc. of the Indian Penal Code and under section 3/25 of the Arms Act. Crime No.14/2017 was registered for offences punishable under sections 323, 149 etc. of the Indian Penal Code and under section 3(1)(r)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and in view of these circumstances discretion cannot be used in their favour. The learned counsel for the applicants has produced marriage invitation card of applicant Bhikan showing that his marriage is scheduled on 20 April 2017.

5) These are the young boys. In the present matter applicants had not caused injury to Suryakant and that can be seen from the aforesaid material. In view of these circumstances and for giving opportunity to the applicants to improve this Court holds that protection needs to be granted.

6) In the result, the application is allowed. Interim relief granted in favour of the applicants is hereby confirmed. The applicants are to attend the concerned police station on 14, 15 and 16 April 2017 between 9.00 a.m. and 12.00 noon and they are to cooperate police during investigation. The applicants are not to tamper with prosecution witnesses. They are not to commit similar offences.

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

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