

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 1650 OF 2017

Raghunath s/o. Shantilal Patil
and Anr.

....Applicants.

Versus

The State of Maharashtra and Anr.

....Respondents.

WITH
CRIMINAL APPLICATION NO. 1649 OF 2017

Manoj s/o. Raghunath Patil

....Applicant.

Versus

The State of Maharashtra and Anr.

....Respondents.

Mrs. Sabahat T. Kazi, Advocate for applicants.

Mr. R.V. Dasalkar, APP for respondents.

CORAM : T.V. NALAWADE, J.
DATED : April 12, 2017.

ORDER :

1. The first application is filed for relief of anticipatory bail and the second application is filed for regular bail. Both the sides are heard. The papers of investigation were made available to this Court for perusal.

2. The incident took place out of a petty incident. The sheeps and goats of complainant Sambhaji Patil had entered in

the field of the accused persons and due to that they had become angry. The allegation is made that on 18.2.2017 at about 6.00 p.m. the applicants intercepted the complainant and during quarrel applicant Manoj Raghunath Patil gave blow of iron pipe on both the hands, legs, back of the complainant. Allegations are made against applicant Raghunath Shantilal Patil that he pelted stones at the complainant and also at his house. Allegation is made against applicant Kolilabai Raghunath Patil that she also assaulted him.

3. There are statements of eye witnesses to show that some incident did take place. The M.L.C. shows that blunt injuries were sustained by the complainant on both hands, back and main injuries were on hands. There was fracture of right ulna and this is described as grievous injury.

4. The injuries described in the M.L.C. are caused by Manoj as per the version of the complainant and eye witnesses. Though one witness has given the version that the present applicants had pelted stones and it had hit the complainant on his head, but no such injury was found on the head of the complainant.

5. The submission was made for applicant Manoj shows that he has been behind bars since 7.3.2017. It appears that bail is not granted to him as crime is registered for the offence punishable under section 326 r/w. 34 of I.P.C. also. As he is behind bars for sufficient length of time and as the motive behind the incident was not that serious, this Court holds that relief needs to be granted to the applicants from both the proceedings.

6. In the result, Criminal Application No. 1650/2017 filed for relief of anticipatory bail is allowed. Interim relief granted earlier in favour of the applicants is confirmed.

7. Criminal Application No.1649/2017 is also allowed. Applicant - Manoj s/o. Raghunath Patil is to be released on bail on his furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand). He is not to tamper with the prosecution witnesses. He is not to commit similar offence.

[T.V. NALAWADE, J.]

ssc/