

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

CRIMINAL APPLICATION NO. 1651 OF 2017

Baban s/o. Ram Gaikwad .. Applicant
Age. 40 years, Occ. Agriculture,
R/o. Balbhim Nagar, Beed,
Tq. & Dist. Beed.

Versus

The State of Maharashtra .. Respondent
Through the Police Inspector,
Shivajinagar Police Station, Beed,
Tq. & District – Beed.

Mr.R.G. Hange, Advocate for the applicant.
Mr.S.M. Ganachari, A.P.P. for respondent/State.
Mr.N.P. Ghanwat, Advocate for Assist to A.P.P.

CORAM : T.V. NALAWADE, J.

DATED : 12.04.2017

P.C. :-

1. This application is filed for anticipatory bail. Both sides are heard. The papers of investigation are made available to this Court for perusal.

2. The crime is registered on the basis of report given by one Suresh Rathod. There was some dispute between the family of Suresh Rathod and other persons like Prashant Jadhav, Sushil Jadhav etc. It is alleged that present applicant was taking side of Prashant Jadhav. The incident in question took place on

19.01.2017. The allegations are made that on that day the complainant and his brother Ramesh had gone to Court at Beed and while they were returning from the Court, they were intercepted by Prashant, Sushil, Amol, Nilesh and other 10-15 unknown persons and on the count of previous quarrel they started abusing them. The allegations are made that Prashant Jadhav gave blow of stone on the head of Ramesh. Sushil, Parshuram, Amol and Nilesh assaulted the complainant and Ramesh by using belt and stone. The allegations are made that during the incident the unknown persons shouted that the complainant and his brother should be finished.

3. This Court has perused the M.L.C. showing that Ramesh sustained as many as six injuries, which are mainly contusions and abrasions. There was one bleeding injury. But the bleeding injury is described as simple injury. The papers contain statement of a Constable present in the Court premises. He stated that both sides were pelting stones on each other.

4. There are vague allegations against present applicant. Exact role played by him in the incident is not mentioned in the police papers. Learned A.P.P. submitted that some cases are filed against him under the Prohibition act. But, that cannot be a circumstance for

not giving protection to the applicant. The crime is registered for the offences punishable under section 307, 336, 143, 147, 148, 149, 120(B) of the Indian Penal Code. In view of nature of the allegations made against the applicant, this Court holds that protection can be granted to the applicant.

i. In the result, the application is allowed.

ii. In case of arrest of the applicant – Baban s/o. Ram Gaikwad, in connection with C.R. No.28 of 2017, registered with Shivaji Nagar Police Station, Dist. Beed, for the offences punishable under sections 307, 336, 143, 147, 148, 149, 120(B) of the Indian Penal Code, he be released on bail on his furnishing PR & SB of Rs. 15,000/- (Rupees Fifteen Thousand).

iii. The applicant is not to tamper the prosecution witnesses and he is not to commit similar offence.

iv. The applicant is to attend the concerned police station on four consecutive Sundays, starting from coming Sunday, between 09.00 a.m. to 12.00 noon and co-operate the police during investigation.

[T.V. NALAWADE, J.]