

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

2 CRIMINAL APPLICATION NO. 1721 OF 2017

SHANTILAL S/O. SHIVLAL PAWAR AND ANR
VERSUS
THE STATE OF MAHARASHTRA

Shri. C.V. Thombre, Advocate, for applicants.

Shri. A.A. Jagatkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 13 April 2017

ORDER:

1) The application is filed for relief of anticipatory bail in Crime No.35/2017 registered in Pachod Police Station, District Aurangabad for offences punishable under sections 307, 435, 427, 34 etc. of Indian Penal Code. Both the sides are heard. Papers of investigation were made available to the Court by the learned Additional Public Prosecutor.

2) The incident in question took place on the night between 31-1-2017 and 1-2-2017. On 31-1-2017 at about

7.00 p.m. accused Ambadas Shivilal Pawar had given abuses to Babu Bhavsing Pawar, father of the complainant. Ambadas was in drunken condition. Babu Pawar was trying to convince him to behave well. On the night between 31-1-2017 and 1-2-2017 at about 11.00 p.m. when Babu Pawar was sleeping in his field present applicants, other accused Ambadas and Ram came there and assaulted Babu with sticks, fists and blows. They tried to drag him towards well where they wanted to throw and finish him. They set fire to hen-coop in which hens were kept. Babu some how escaped and ran towards the house. The report came to be given on 1-2-2017. MLC was prepared on 1-2-2017 showing that he sustained as many as five injuries. He was indoor patient for one day.

3) There is statement of Babu which is to the effect that Shantilal and Ambadas assaulted him by using sticks. Applicant Dnyaneshwar had held his neck and had given fist blows. Specific allegations are made that present applicants had tried to drag him towards well, they had intention to throw him into well to finish him. There is record in respect of incident of setting fire and

death of hens due to fire. The incident took place in night time. Due to these circumstances this Court holds that discretion cannot be used in favour of the applicants. Custodial interrogation is a must in the matter like present one. In the result, the application stands rejected.

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

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