

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

14 CRIMINAL APPLICATION NO. 2016 OF 2017

MADAN S/O. PANDURANG NAGARGOJE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. C.V. Thombre
APP for Respondent/State : Mr. S.W. Munde
...

CORAM : T.V. NALAWADE, J.
DATED : May 2, 2017.

ORDER :

1. The application is filed for relief of anticipatory bail. Both the sides are heard. Papers of investigation were made available to the Court for perusal.

2. The crime at C.R. No. 69/17 is registered in Patoda Police Station, District Beed for the offences punishable under sections 325, 327, 452, 149 etc. of I.P.C. and it can be said that some other section like section 395 of I.P.C. also can be used. It appears that brother of the applicant namely Bharat had some family dispute and due to that the incident in question took place on 23.3.2017 at about 7.00 a.m. in the house of the complainant. The applicant is said to be person from the side of wife of Bharat. Allegations are made that 5-6 persons came on motorcycle to the house of the complainant, they gave severe

beating to the members of the family of the complainant and they snatched and took away the gold ornaments like gold ring, gold chain and one person used knife and injury was caused by using that knife.

3. The papers of investigation show that present applicant's name is mentioned in the police statement of Shahabai though the first informant did not named the present applicant in the F.I.R. The record of medical examination show that as many as 3 persons were injured in the incident and Chatrabhuj sustained as many as 3 grievous injuries due to fracture of tibia, foot etc. Other two persons including the lady sustained injuries, but they were simple, but they were C.L.W.

4. The learned counsel for the applicant submitted that applicant is handicap person and he is having certificate to show that the extent of disability is 56%. This Court has gone through that certificate and it shows that due to some kyphoscoliosis with spine, the disability is there. This does not mean that applicant cannot move or he could not have taken part in the incident. There are specific allegations that 5-6 persons came to the house of complainant on motorcycle and the incident took place inside of the house of complainant. The material is

consistent with the allegations made by the complainant and eye witnesses. In view of the aforesaid circumstances, this Court holds that it is not possible to grant relief of anticipatory bail in favour of the applicant. Custodial interrogation is must in such case. In the result, the application stands rejected.

[T.V. NALAWADE, J.]

ssc/