

CRIMINAL APPLICATION NO. 2489 OF 2017

VERSUS

The State of Maharashtra ... Respondent

.....
Mr. Shaikh Wajed Ahmed, advocate for the applicant
Mr. A.A.Jagatkar, A.P.P for respondent

CORAM : K.L.WADANE, J.
DATED : 13th JUNE, 2017

O R D E R :

Heard learned counsel for the applicant
and learned A.P.P. for respondent.

2. This is an application filed for anticipatory bail in connection with Crime No. 5 of 2017, registered with Nanded Rural police station, District Nanded on 3.1.2017 for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act.

3. Complainant Shaikh Mujahid lodged complaint with Nanded Rural police station, District Nanded on 3.1.2017 stating that brother

of the complainant Jawed informed him that the applicant and other accused persons have destroyed the complex at Mamatanagar. The complainant went there. It is further alleged that complainant was beaten by means of sword, iron rod, etc.

4. Learned counsel for the applicant submits that allegation against the present applicant is that he has assaulted the complainant by means of iron rod on his left leg. Further, he has invited my attention to the medical certificate of the complainant, from which it appears that the complainant had received injury CLW 3x2x1 cm simple in nature on right hand caused due to hard and blunt object.

5. Considering the location of the injury sustained to the complainant, it appears that the version of the complainant as regards assault by the applicant on the right leg appears to be doubtful.

6. According to the complainant, the accused persons have assaulted by means of sword, iron rod, etc. If it was the fact, then grievous

injury is expected on the person of the complainant, however, medical evidence is silent on this aspect.

7. This Court by order dated 8.6.2017 has granted anticipatory bail to one of the accused. Therefore, this applicant is also entitled for anticipatory bail on the ground of parity.

8. Hence the following order.

(i) Applicant shall be released on bail in the event of his arrest in connection with Crime No. 5 of 2017, registered with Nanded Rural police station, District Nanded on 3.1.2017 for the offence punishable under Section 307, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act in connection with Crime No. 5 of 2017, registered with Nanded Rural police station, District Nanded on 3.1.2017 for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 506 of the Indian Penal Code and under Section 4/25 of the Arms Act on furnishing P.R. bond of Rs. 10000/- with one surety in the like amount.

(ii) Applicant shall not tamper with the evidence of prosecution in any manner and shall cooperate in further investigation.

9. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm/crap2489.17