

CRIMINAL APPLICATION NO. 2596 OF 2017

VERSUS

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DATED : 7th JUNE, 2017

O R D E R :

2. This is an application filed by the applicants in connection Crime No. 135 of 2017 of Rahuri police station, District Ahmednagar, registered against the present applicants and other accused persons on 17.4.2017, for the offences punishable under Section 307 r/w 34 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act.

3. The wife of the injured victim namely Indrayani lodged complaint in the police station stating that the present applicant no.1 Vijay assaulted her husband by means of sword on his neck and chest. Applicant no.2 Vikram assaulted her husband by means of axe on his both the hands and applicant no.3 Sambhaji assaulted her husband by means of knife on the hand, chest, ribs, legs, back and abdomen. After the assault, injured was taken to the City Care Hospital at Ahmednagar. Learned counsel for the applicants stated that no specific role is attributed to any of the applicants. Furthermore, there was enmity between the parties on account of dispute regarding landed property.

4. As against this, learned A.P.P. has drawn my attention to the statement of injured himself. On perusal of the statement, it appears that this injured witness has clearly stated that accused applicant no.1 Vijay was armed with sword, accused applicant no.2 Vikram was armed with axe and accused applicant no.3 Sambhaji was armed with

knife. He further stated in his deposition that due to dispute regarding landed property his brother Shivaji threatened him and applicant no.1 assaulted him by means of sword, applicant no.2 assaulted him by axe and applicant no.3 assaulted him by knife. The statement of this witness is very much clear, giving account of the particular act of each of the applicants as well as another accused Shivaji.

5. Learned counsel for the applicants submits that the contents of the injury certificate may be seen to know whether the injuries correspond with the allegations made by the prosecution. However, looking to the stage of present proceeding and the stage of investigation, it is not necessary to consider the contradictions, omissions or infirmities as this is an application for anticipatory bail. At this stage, it is to be seen whether the accused are falsely involved in the case and I am of the opinion that there are no circumstances seen from the record that the complainant has falsely involved the applicants in

the crime.

6. The investigation is at very crucial stage. Custody of applicants may be required for the purpose of recovery of weapon allegedly used while committing the crime by the applicants. So considering the gravity of the offence, nature of allegations and the stage of investigation, I am of the opinion that the applicants are not entitled for anticipatory bail.

7. Hence, Criminal Application is rejected.

(K.L.WADANE, J.)

dbm/crap2596.17