

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

CRIMINAL APPLICATION NO. 2734 OF 2017

1. Anil s/o Ankushrao Lipane ... **Applicants**
Age 40 years, Occu: Agri.
R/o Jintur Colony, Selu Tq. Selu,
Dist. Parbhani
2. Ambadas Ankushrao Lipane
Age 35 years, Occu: Agri.
R/o Vasmata Road, Tq. and Dist.
Parbhani.
3. Sunil Ankushrao Lipane,
Age 30 years, Occu: Agri.
R/o Vasmata Road, Taluka and Dist.
Parbhani

VERSUS

- 1 The State of Maharashtra ... **Respondent**
Through Superintendent of Police,
Jalna, Dist. Jalna.
- 2 The Police Inspector
Ashti Police Station,
Tq. Partur, Dist. Jalna

Mr. P. D. Bachate, Advocate for the applicants
Mr. K. N. Lokhande, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 22nd June, 2017

ORDER:

1. Heard Mr. Bachate, learned counsel for the applicants and Mr. Lokhande, learned APP for the State.
2. Present Criminal Application is filed under section 438 of the Code of Criminal Procedure for grant

of anticipatory bail in connection with Crime No. 38/2017, registered with- Ashti Police Station, Taluka and District Jalna for the offences punishable under sections 326, 452, 323, 504, 506 read with section 34 of the Indian Penal Code, 1860.

3. After hearing for some time, Mr. Bachate, the learned counsel for the applicants is not pressing the application for anticipatory bail to the extent of applicant No.1 Anil and Applicant No.2 Ambadas.

4. One Dilip Bhimrao Lipane/informant has lodged a complaint with Ashti Police Station on 19th May, 2017 alleging that on the same day, at about 9.00 to 9.30 a.m. when the informant was in his house, applicants/accused came there and asked the informant, why he has constructed a wall in their land and started to abuse him. Applicant No. 1 assaulted the informant by means of iron rod and applicant no.2 assaulted him by means of Axe on his right hand and also assaulted to the wife of the informant. It is further alleged that applicant Nos. 3 Sunil Assaulted to son of the informant namely Gopal by kick and fist blows and threatened to kill him.

5. Looking to the contents of the first information

report, it appears that there is only allegation against applicant no.3 to the extent of assaulting son of the informant by kick and fist blows.

6. In view of the above circumstance, I am of the opinion that custodial interrogation of applicant No.3 is not needed and therefore, applicant No.3 can be enlarged on anticipatory bail. Hence following order:

O R D E R

- i. In the event of arrest of applicant No.3 Sunil Ankushrao Lipane, in connection with Crime No. 38/2017, registered with Ashti Police Station, Taluka and District Jalna, he shall be released on bail on their executing P.R. Bond of Rs. 10,000/- [Rs. Ten thousand only], with one solvent surety in the like amount.
- ii. Applicant No.3 shall cooperate with the further investigation and shall not tamper with prosecution evidence in any manner.

7. Criminal application disposed of.

(K. L. WADANE, J.)

JPC