

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

CRIMINAL APPLICATION NO. 2840 OF 2017

Shiva s/o Madhu Pawar ... Applicant

VERSUS

The State of Maharashtra ... Respondent

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Mr. S.A.Gaikwad, advocate for the applicant

Mr. A.R.Borulkar, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 26th JULY, 2017

O R D E R :

Heard Mr. Gaikwad, learned counsel appearing for the applicant and Mr. Borulkar, learned A.P.P. for the respondent.

2. This is an application filed under the provisions of Section 439 of the Criminal Procedure Code in connection with Crime No. 90 of 2017 registered with Waluj police station, District Aurangabad on 1.5.2017 for the offences punishable under Sections 307, 341, 143, 148, 149, 323, 504, 506 of the Indian Penal Code.

3. One Bhanudas Divte lodged complaint against the applicant and other accused persons alleging that on 30.4.2017 at about 4.00 p.m. his daughters-in-law namely Pratibha and Savita were proceeding towards field, at that time present applicant and other accused persons obstructed them and assaulted them by kick and fist blows. Therefore, the informant, his son Yogesh, Dnyaneshwar and Ramdas went towards the spot of incident and tried to rescue the scuffle. At that time, present applicant informed the informant that they should not go from the road and abused the informant. They assaulted son of informant Yogesh by wooden log of the axe and thereafter all the accused persons assaulted the informant and her son by means of axe, iron rod, etc.

4. I have perused the injury certificate of Yogesh, from which it appears that he received five simple injuries caused by hard and blunt object.

5. Learned counsel appearing for the applicant submits that there is counter complaint

against the informant. From the statement of these witnesses and from counter complaint, it appears that there was scuffle in two groups, in which some of the persons received injuries.

6. Considering the papers of investigation, it appears that practically investigation is over.

7. Learned counsel for the applicant submits that the informant and other accused persons except Yogesh have been already released on bail.

8. Hence, the following order.

(i) Criminal Application is allowed.

(ii) The applicant shall be released on bail in connection with Crime No. 90 of 2017, registered with Waluj police station, District Aurangabad, on his furnishing P.R. bond of Rs. 10,000/- with one solvent surety in the like amount.

9. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm