

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

CRIMINAL APPLICATION NO. 2700 OF 2017

- | | | |
|---|--|-----------------------|
| 1 | Arjun s/o Dnyaneshwar Jadhav
Age 23 years, Occu: Business,
R/o Sanjivani Residency,
Begampura, Aurangabad | ... Applicants |
| 2 | Sandeep @ Bandu Bhausahab Wagh
Age 25 years, Occu: Labour
R/o Near Sai Mandir, Ranjangaon
Tq. Gangapur Dist. Aurangabad | |
| 3 | Sachin s/o Suresh Jadhav
Age 22 years, Occu: Labour
R/o Near Sai Mandir, Bajaj Nagar,
Aurangabad | |
| 4 | Mahesh s/o Sanjay Waghmare,
Age 21 years Occu: Labour
r/o Laxmi Nagar, Bajaj Nagar,
Aurangabad | |
| 5 | Omkar s/o Anilrao Kulkarni,
Age 19 years, Occu: Labour
Near Jai Bhavani Nagar,
Bajaj Nagar, Aurangabad | |

VERSUS

- | | | |
|---|---|------------------------|
| 1 | The state of Maharashtra
Through MIDC Waluj Police
Station, Dist. Aurangabad | ... Respondents |
| 2 | Vishal Kishor Phate
Age 22 years, Occu: Labour
Near Hanuman Mandir,
Rahane's House, Wadgaon Kolhati,
Aurangabad | |

Mr. Abhishek Kulkarni, Advocate for the applicants,
Mr. S. B. Joshi, APP for the State.

WITH

CRIMINAL APPLICATION NO. 2976 OF 2017

- | | | |
|---|-----------------------------|----------------------|
| 1 | Vicky s/o Gorakhnath Hekade | ... Applicant |
|---|-----------------------------|----------------------|

Age 25 years, Occu: Education,
R/o MIDC Colony, More Chowk,
Bajaj Nagar, Aurangabad

VERSUS

- | | | |
|---|---|------------------------|
| 1 | The state of Maharashtra
Through MIDC Waluj Police
Station, Dist. Aurangabad | ... Respondents |
| 2 | Vishal Kishor Phate
Age 22 years, Occu: Labour
Near Hanuman Mandir,
Rahane's House, Wadgaon Kolhati,
Aurangabad/Nadarpur Tq. Kannad
Dist. Aurangabad | |

Mr. Sachin S. Panale, Advocate for the applicant
Mr. S. B. Joshi, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 11th July, 2017

ORDER:

1. Heard learned counsel for the applicants and learned APP for the State.
2. These applications are filed under section 439 of the Criminal Procedure Code for bail in connection with Crime No. 67/2017, registered with MIDC Waluj Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 323 of the Indian Penal Code.
3. On 02.2017, the informant Vishal Kishor Phate lodged a report to the MIDC Waluj Police Station

alleging that on 12.01.2017, the applicants had organized annual rally on the occasion of birth anniversary of Rajmata Jijau. On the same day, the informant organized a separate rally in which some of the friends of accused Arjun Jadhav had participated. Since the first informant had organized a separate rally, therefore Arjun Jadhav had grudge against the informant. On 06.02.2017, Arjun Jadhav (Applicant No.1 in Cri. Appln No. 2700/2017) made a phone call on the mobile of Balu Misal and stated that he want to meet him. When the informant and Balu (Aniruddha) Misal went near Hanuman Temple, that time, the present applicants came there on motorcycle, armed with knife, swords and sticks. It is alleged that the applicants assaulted the informant and Balu Misal and therefore they have sustained injuries on various parts of their body. On the basis of information given by the informant, the offence came to be registered against the accused persons, as stated above.

4. During the course of argument, Mr. Kulkarni, the learned counsel for the applicants, points out the nature of injuries sustained by informant Vishal and Aniruddha Misal at page Nos. 45 and 46 as well as discharge summary of Anirudha at page No. 47. The

learned counsel further point out the contents of the first information report, wherein it has been specifically mentioned that the present applicants alongwith other accused persons assaulted the informant and injured persons by means of wooden log, sword etc. However, from perusal of the injury certificates, it appears that injured Vishal had received five simple injuries caused with hard and blunt object. The same is a case in respect of Aniruddha Misal. He has received four simple injuries caused with hard and blunt object. Mr. Kulkarni further points out the Discharge summary in respect of Aniruddhia given by the Government Medical College, Aurangabad, wherein history was noted as under:

"HISTORY.

K/C/O STB INJURY

PATIENT IS BROUGHT TO CASUALTY WITH A/H/O ACCIDENTAL FALL

B/B RELATIVE HISTORY NARRATED BY PATIENT HIMSELF

H/O BLUT TRAUMA TO RT THIGH

C/O PAIN AND SWELLING OVER RIGHT THIGH"

So the description of the injuries is somewhat different as compared to the allegations made in the first information report.

5. One wooden log was recovered from the

accused/applicant No.1 and no weapon is recovered at the instance of other applicants. The applicants were available for interrogation. After interrogation, they were remanded to MCR.

6. In view of the above, I am of the opinion the applicants are entitled for bail. Hence following order:

O R D E R

- i. The applicants in Criminal Application No. 2700/2017 and Criminal Application No. 2976/2017 shall be released on bail on their furnishing personal bond of Rs.10,000/-(Rupees Ten thousand) each, with one solvent surety of like amount.
 - ii. The applicants shall not contact with prosecution witnesses till conclusion of the trial.
7. Criminal applications are disposed of.

(K. L. WADANE, J.)

JPC