

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3032 OF 2017

Bhausahab Limbaji Shirsat @ ... **Applicant.**
Sirsath, Age 57 years, Occ.
Agriculture & Private
Contractor, R/o. Pangarkar
Nagar, Ambad Road, Jalna.

V E R S U S

The State of Maharashtra. ... **Respondent.**

Mr. Joydeep Chatterji, learned Advocate for the
Applicant.
Mr. K. N. Lokhande, A.P.P. for the respondent/State

CORAM : K.L. WADANE, J.
DATE : 24th July, 2017

ORDER :

1. Heard Mr. Chatterji, learned counsel
appearing for the applicant and Mr. Lokhande, learned
APP appearing for the respondent/state.

2. Perused the record that is the copy of the
first information report and the statement of the
witnesses, from which it appears that, there was
counter complaint filed by the present applicant
against Sunil Chikhale, who has been released on

anticipatory bail by the learned Sessions Judge. Mr. Chatterji, learned counsel appearing for the applicant further submits that, the first information report lodged by the present applicant was first in time, subsequently, Sunil Chikhale filed the report regarding the same incidence. The son of the applicant was already released on bail. There was recovery of alleged weapon at the instance of his son. Therefore, the custodial interrogation of the present applicant is not required.

3. Learned APP submits that the weapon used by the present applicant is yet to be recovered.

4. From the statement of witnesses and the first information report it appears that, the allegations against the present applicant about the assault are vague and general in nature. Furthermore, all other co-accused persons were granted pre-arrest bail. Statement of almost all material witnesses are recorded. Therefore question of recovery of any weapons at the instance of the present applicant does not arise because weapons which are alleged to be used in the crime are already attached by the investigating

officer.

5. In view of the above, interim relief granted to the applicant by order of this Court on 21.06.2017 is hereby confirmed and made absolute.

6. Criminal application is disposed-of.

(K.L. WADANE, J.)

mkd/-