

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 3046 OF 2017**

- 1 Nivrutti Dashrath Sangale, Age 67 ... **Applicants.**  
years, Occ. Agriculture.
- 2 Ashok Nivrutti Sangale, Age 45  
years, Occ. Service.
- 3 Janabai Nivrutti Sangale, Age 62  
years, Occ. Agriculture.  
  
All R/o. Kherde, Tq. Pathardi,  
District Ahmednagar.
- 4 Pushpa Shridhar Sangale, Age 40  
years, Occ. Housewife, R/o.  
Manohar Mahim Road, Palghar, Tq.  
& Dist. Palghar.

**V E R S U S**

The State of Maharashtra.

**Respondent.**

Mr. V. D. Sapkal, learned counsel H/f Mr. A.B. Jagtap,  
learned counsel for the Applicants  
Mr. K. N. Lokhande, A.P.P. for the respondent/State

**CORAM : K.L. WADANE, J.**

**DATE : 06 th July, 2017**

**ORDER :**

1. Heard Mr. Sapkal learned counsel appearing  
for the applicants and learned A.P.P. appearing for

the respondent-State.

2. On the basis of information given by one Bhausahab Limbaji Sangale report came to be registered at police station Pathardi at Crime No. 188/2017 alleging that, on 29.03.2017 at about 4.30 p.m. when he was at his field, the present applicants started abusing them. Applicant No. 1 caught-hold the informant and applicant No. 2 assaulted him by means of Axe.

3. Mr. Sapkal, learned counsel, appearing for the applicants during the course of arguments points out the contents of the non-cognizable report submitted by the applicant No. 3 and by referring the contents non-cognizable report he has argued that, the applicant No. 3 has specifically reported that, his son Ashok (applicant No.2) is serving at Pathardi and another son Shridhar is residing at Palghar.

4. Mr. Sapkal further points out that, there is delay of seven days. The incident took place on 29.03.2017 and the first information report came to be lodged on 06.04.2017 and there is no explanation as to

why the first information report was lodged at belated stage.

4. Learned APP Mr. Lokhande submits that the informant was taking medical treatment initially at Civil Hospital Ahmednagar and thereafter he was taken to Shreedeeep Hospital Ahmednagar for better treatment.

5. While granting interim relief, I have already observed that, looking to the grievance of the informant and the averments in the first information report, it appears that, interim protection can be granted to the applicants No. 1, 3 and 4, since the allegations against them are vague and general in nature.

6. So far as in respect of applicant No. 2 Ashok is concerned, it appears that, his mother Janabai has specifically reported the matter to the concerned police station on the very day of incident i.e. on 29.03.2017 at about 5 p.m., wherein it has been specifically mentioned that her two sons are residing out side the village for the purpose of employment. These contents appear to be very much important

because nobody can mention such contents in anticipation that in future some complaint may be filed against them. From these contents it is very much clear that, the applicant No. 2 was residing at village Tanpurewadi and the incident took place at village Kherde.

7. The allegations against the present applicant No. 2 is that he assaulted informant by means of Axe. However looking to the medical certificate it appears that, there is no injury which can be possible by sharp cutting instrument. Of-course, one head injury is grievous injury and another is simple. From the medical certificate, no where it is clear that the Medical Officer from the Civil Hospital Ahmednagar had referred this informant to the private hospital or the higher station for better medical treatment. Probably, the informant may have took the discharge on his own accord and admitted himself in a private hospital.

8. Though it is specifically mentioned in the first information report that after taking medical treatment from the Civil Hospital Ahmednagar, the informant-injured was taken to Shreedeeep Hospital at

Ahmednagar, the investigating officer has not collected further medical evidence. On perusal of the entire papers of investigation nothing is revealed that the investigating officer has contacted the medical officer from Shreedeeep Hospital. In such circumstances, there is no further investigation to show that the informant has sustained injuries by sharp cutting weapon.

9. From the papers of investigation particularly recovery panchnama dated 29.06.2017, it appears that, the Axe was recovered at the instance of another accused Nivrutti. In such circumstances, custodial interrogation of the present applicant No. 2 is not needed.

9. Considering the above aspect, I am of the opinion that, the applicant No. 2 is also protected from his arrest. Hence, pass following order.

**O R D E R.**

(1) Application is allowed.

(2) In the event of arrest of the applicants in

connection with Crime No.188 of 2017, registered with Pathardi Police Station District Ahmednagar, they be released on bail on their furnishing P.R. bond of Rs.15,000/- (Rupees fifteen thousand only) each, with one surety in the like amount.

(3) The applicants-accused shall not tamper with the prosecution evidence in any manner and to co-operate the further investigation.

(4) Criminal Application is disposed-of.

( K.L. WADANE, J. )

mkd/-