

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

CRIMINAL APPLICATION NO. 3070 OF 2017

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| 1 | Dagdu s/o Mahadu Tarange
Age 32 years, Occu: Agri.
R/o Tarange Vasti, Mandve Bk.
Tq. Sangamner, Dist. Ahmednagar | ... Applicants |
| 2 | Popat s/o Mahadu Tarange
Age 30 years, Occu: Agri.
R/o As above. | |
| 3 | Alkabai Dagadu Tarange
Age 27 years, Occu: Agri.
R/o As above. | |

VERSUS

The State of Maharashtra Through Dhargaon Police Station, Dist. Ahmednagar.	... Respondent
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Mr. Vikram R. Dhorde, Advocate for the applicants
Mr. P. N. Kutti, APP for the State.

CORAM : K. L. WADANE, J.

DATE : 5th July, 2017

ORDER:

1. Heard Mr. Dhorde, learned counsel for the applicants and Mr. Kutti, 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. I-25/2017, registered with Dhargaon Police Station, District Ahmednagar for the offences punishable under sections 326, 324, 323, 504 read with section 34 of the

Indian Penal Code, 1860.

3. The complainant Kisan Lahanu Tarange lodged a complaint to the Police station on 08.03.2017 alleging that on 02.07.2017, when he was present at the common well at about 2.00 p.m., at that time, the applicant Nos. 1 and 3 came there. The informant demanded money from them as per the agreement, on which the applicants started abusing him. They assaulted him by means of kick and fist blows. The applicant No.2 Popat assaulted the informant by means of iron road on his shoulder. Applicant No.1 Dagdu assaulted the informant by means of iron road on his leg. In the incident, the informant was injured. Therefore, he was taken to Shelke Hospital at Sangamner.

4. On perusal of the contents of the First Information Report, it appears that there are certain allegations against applicant Nos. 1 and 2 about the assault to the informant by means of iron road. Therefore, I have gone through the other relevant papers such as medical certificate issued by the Doctor dated 02.03.2017.

5. Perusal of the medical certificate issued by Dr. Shekle Hospital, history was noted by the treating

Doctor as H/o fall in the well on 02.03.2017, presented with following injuries. Pain swelling deformity of left shoulder, Restricted moment. No injuries are shown on the person of the informant on his leg and shoulder. Dislocation of shoulder may be possible due to fall in the well. Therefore, contents of the first information report are not supported with the medical evidence.

6. On the other hand, wife of applicant No.2 lodged a complaint regarding incident of 02.03.2017, however, it was reported to the concerned Police Station on 09.03.2-017, in which it was stated that the present informant and other persons had thrown her daughter into well. The medical certificate to that effect is also on record.

7. It appears that wife of the present applicant No.2 also filed the first information report regarding the same incident in which delay has been explained to some extent. However, delay in filing the first information report in the present matter has not at all been explained. The Incident was occurred on 02.03.2017 but the first information report was lodged on 08.03.2017. In such circumstance, the applicants

have made out a case for protection from their arrest.

Hence following order:

O R D E R

- i. In the event of arrest of the applicants in connection with rime No. I-25/2017, registered with Dhargaon Police Station, District Ahmednagar, they shall be released on bail on their executing P.R. Bond of Rs. 10,000/- [Rs. Ten thousand only] each, with one solvent surety in the like amount.
- ii. The applicants shall not tamper with prosecution evidence in any manner.
- iii. Criminal application disposed of.

(K. L. WADANE, J.)

JPC