

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

CRIMINAL APPLICATION NO. 3201 OF 2017

1] Sahebrao s/o Madhav Suryawanshi
2] Ashok s/o Namdeo Suryawanshi,
3] Mohan s/o Khakiba Suryawanshi ... Applicants

VERSUS

The State of Maharashtra ... Respondent

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Mr. S.J.Salunke, advocate for the applicants
Mr. A.R.Borulkar, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 24th JULY, 2017

O R D E R :

Heard Mr. S.J.Salunke, learned counsel appearing for the applicants and Mr. A.R.Borulkar, learned A.P.P. for the respondent.

2. One Prakash Suryawanshi lodged complaint on 23.1.2017 alleging that on 22.1.2017 after the last ceremony of one Khandu Suryawanshi applicant nos. 1 and 3 started abusing the informant and his nephew Sunil. When the informant and Sunil were going to their house, on way present applicants obstructed the informant. Applicant no.1

assaulted informant with the help of sickle on his head. Applicant no.2 assaulted witness Sunil by means of iron rod and applicant no. 3 assaulted the informant by stone. They also abused the informant in filthy language.

3. On the basis of complaint lodged by the complainant, offence came to be registered against the applicants and another accused Khakiba who is already released on bail by the Sessions Court.

4. According to the prosecution, applicant no.1 assaulted informant on his head by means of sickle, however, medical evidence speaks otherwise. The medical evidence shows that the informant had received one CLW 1 x 1 cm. over vertex caused by hard and blunt object. Nature of injury appears to be simple. Witness Sunil received fracture of left humerus supracondylar i.e. grievous injury caused by hard and blunt object. Mr. Suryawanshi, learned counsel further submits that after investigation is over, the investigating officer has filed the charge sheet against the applicants in the Court of Judicial

Magistrate, First Class, Naigaon, District Nanded. Learned A.P.P. submits that the case is submitted to the Sessions Court and is pending for framing charge. Statements of various witnesses are recorded.

5. Looking to the nature of injuries sustained to the informant and witness Sunil, it appears that they were treated for some time and thereafter they were discharged from the Hospital. Further, it appears that there was recovery of sickle at the instance of applicant no.1. Looking to the stage of proceedings, I am of the opinion that no further detention of applicants is required. Considering the nature of allegations and the fact that another accused Khakiba is already released on bail by the learned Sessions Judge, I am of the opinion that the applicants are entitled for bail.

6. Hence, the following order.

- (i) Criminal Application is allowed.
- (ii) Each of the applicants shall be released on bail in connection with Crime No. 14 of 2017,

registered with Ramtirth police station, Nanded, on their furnishing P.R. bond of Rs. 15,000/- with one solvent surety in the like amount.

(iii) Applicants shall not tamper with the evidence of prosecution in any manner.

(iv) Applicants shall not contact any witnesses in the afore said crime till conclusion of the trial.

7. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm