

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

CRIMINAL APPLICATION NO. 3220 OF 2017

1] Indrajit Gajendrarao Yadav
2] Abhijit Gajendrarao Yadav,
3] Siddheshwar Indrajit Yadar ... Applicants

VERSUS

The State of Maharashtra ... Respondent

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Mr. R.B.Dhaware, advocate for the applicants
Mr. A.R.Borulkar, A.P.P for respondent

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CORAM : K.L.WADANE, J.

DATED : 19th JULY, 2017

O R D E R :

Heard Mr. Dhaware, learned counsel for the applicants and Mr. Borulkar, learned A.P.P. waives service of notice for respondent.

2. One Pradeep Yadav lodged complaint to the police station alleging that on 29.5.2017 at about 10.30 p.m. when the informant was in his field, present applicant and co-accused came there and they asked the informant to disconnect the electric motor. When the informant refused, all the accused persons started assaulting him. Present applicant assaulted him on his head with

the help of axe. When Applicant no.2 Abhijit caught hold his both the hands, the younger brother of informant namely Kapil came there to rescue him. The accused persons also assaulted him. Due to the assault, the informant received head injury, and therefore, he was taken to the Government Hospital at Ambajogai where he was admitted.

3. It is the specific allegation in the first information report that applicant no.1 assaulted informant on his head by means of axe. However, on perusal of injury certificate, it appears that there was laceration on face 2x0.5x0.5 cm caused by hard and blunt object and nature of injury is simple. So, apparently it is seen that applicant no.1 had not assaulted the informant by means of axe. Learned counsel further submits that one of the accused namely Gajendra was already released on bail by the Sessions Court.

4. In view of the allegations, I am of the opinion that there is no question of discovery or recovery of any weapon at the instance of present

applicants, and hence, applicants can be protected from their arrest. Hence, the following order.

(i) Criminal Application is allowed.

(ii) In the event of their arrest, applicants be released on bail in connection with Crime No. 148 of 2017, registered at Ambajogai Rural police station, District Beed, on their furnishing P.R. bond of Rs. 10,000/- each with one surety in the like amount.

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

(iv) Applicants shall attend the concerned police station on every Sunday between 12.00 noon to 2.00 p.m. till filing of the charge sheet.

5. Criminal Application is disposed of.

(K.L.WADANE, J.)

dbm