

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

**CRIMINAL APPLICATION NO. 3275 OF 2017**

Lahu s/o Ramesh Torambe

... Applicant

VERSUS

The State of Maharashtra

... Respondent

.....

Mr. S.N.Patne, advocate for the applicant

Mr. A.R.Borulkar, A.P.P for respondent

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

**DATED : 11th JULY, 2017**

**O R D E R :**

Heard Mr. S.N.Patne, learned counsel for the applicant and Mr. A.R.Borulkar, learned A.P.P. for respondent.

2. One Ramesh Digambar Bhosale lodged complaint against present applicant and other accused persons alleging that on 11.5.2017 at about 9.30 to 10.00 a.m. he along with his son Sandip Ramesh Bhosale, his brother-in-law Bhagwat Gaikwad and labour had been to the field bearing Gat No. 258. The labours were cutting babul tree situated on the band of his land. That time, his adjacent land holders belonging to his

brotherhood, namely Dagadu Maruti Bhosale, Kavita Dagadu Bhosale, Dadasaheb Dagadu Bhosale, Dhondabai, Bapu, Rukminbai and and nephew of Dadasaheb came there armed with sword, iron rod, sticks asking not to cut the trees for the reason court matter being pending and they started assaulting him with the help of said weapons.

3. On perusal of the contents of the first information report as well as statements of witnesses, it is seen that no name of the present applicant was mentioned in the first information report. They only referred as nephew of Dadasaheb.

4. Looking to the supplementary statement of Sandip Bhosale one of the injured, it appears that the allegation against the present applicant is that he caught hold the legs of the injured Sandip Bhosale and another accused assaulted by means of sickle on his right arm due to which there was big injury.

5. In the light of supplementary statement of this witness, I have perused the injury certificate and following injuries are mentioned

in the injury certificate.

1] CLW over right arm 3x1x1/2 cm.

2] Blunt trauma on back

Both the injuries are simple in nature caused due to hard and blunt object within 12 hours.

6. Thus, apparently it is seen that injury caused to this witness Sandip was with hard and blunt object; whereas in the supplementary statement he states that injury was caused by means of sickle.

7. In view of above, custodial interrogation of the applicant is not necessary. Therefore, the applicant can be protected from his arrest. Hence, the following order.

8. Criminal Application is allowed.

(i) In the event of his arrest, the applicant be released on bail in connection with Crime No. 203 of 2017, registered at Omerga police station, District Osmanabad, on his furnishing P.R. bond of Rs. 10,000/- with one solvent surety in the like amount.

(ii) Applicant shall not tamper with the

evidence of prosecution in any manner.

9. Criminal Application is disposed of.

**(K.L.WADANE, J.)**

dbm