

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRI. APPLICATION (BA) NO. 498 OF 2017

(DNYANESHWAR RAMRAO WAGH...VS.. STATE OF MAH. THR. P.S.O. TELHARA, DIST. AKOLA)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri U.J.Deshpande, Advocate for Applicant.
Shri Niraj Patil, A.P.P. for Non-applicant.

CORAM : Z.A.HAQ, J.

DATED : JUNE 09, 2017.

Shri A.C. Jaltare, advocate appears and requests for grant of time submitting that he is instructed by the complainant to file an application seeking permission to assist the prosecution.

The request for adjournment is refused, however, he is at liberty to assist the prosecution.

Heard.

The applicant is arrested on 24th April, 2017 in crime registered against him and two others for the offence punishable under Section 307 of the Indian Penal Code on the accusation that the applicant assaulted Pawan (cousin brother of complainant) and Parvatrao (uncle of the complainant) over a dispute regarding digging of pits on *dhura* of the field. It is alleged that the applicant assaulted the victim by stick and iron pipe.

The application is opposed on the ground that other two accused are absconding and if the applicant is released on bail there is possibility of further dispute as the

applicant and the complainant are living in the same village and are owning adjoining fields. The learned A.P.P. has also pointed out that the injuries suffered by the victim are of grievous nature.

Be that as it may, it is undisputed that the applicant is not involved in any other crime/ offence earlier. The applicant claims to be an agriculturist and this is not controverted by the non-applicant.

Considering the facts of the case and nature of the incident, in my view, the applicant is entitled to be released on bail.

Hence, the following order:

The applicant, having been arrested in Crime No. 84 of 2017 registered by the non-applicant, he be released on bail on furnishing P.R. Bond in the sum of Rs.Twenty Thousand and one solvent surety in the like amount.

The application is **allowed** in the above terms.

JUDGE