

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

CRIMINAL APPLICATION (ABA) NO.569 OF 2016
(Pramod s/o Pralhad Mude vs. The State of Maharashtra)

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

Shri P.S. Chawhan, Advocate for applicant.
Shri C.A. Lokhande, Additional Public Prosecutor for
respondent.

CORAM : P.N. DESHMUKH, J.

DATED : JANUARY 09, 2017

Heard learned Counsel for both sides.

Applicant, who is involved in Crime
No.79/2016 registered for the offences punishable under
Sections 498-A, 326, 504 and 506(A) read with Section
34 of Indian Penal Code and Sections 3 and 4 of Dowry
Prohibition Act, has applied for grant of anticipatory
bail.

Shri Chawhan, learned Counsel for
applicant, submits that applicant is falsely involved and
learned trial Court has rejected the application only on
the ground that axe, alleged to have been involved in the
present crime, is to be recovered. It is submitted that
co-accused nos.2 to 7 involved in this crime are released
by learned trial Court. The application is thus prayed to
be allowed.

The record reveals that this Court granted
interim protection to applicant by order dated
15/9/2016 and he was directed to cooperate with

investigation by attending Investigating Officer for a period of one week. The said direction is stated to be complied with. It is further noted that pending hearing of this application, prosecution was directed to place on record medical papers of complainant. Learned Additional Public Prosecutor in compliance of the said direction, has placed on record additional affidavit-in-reply of Investigating Officer along with injury report issued by a private Hospital on 3/1/2017. Same is taken on record.

Perusal of first information report reveals that on 18/6/2016 applicant is alleged to have committed assault on complainant by axe on her head and below left knee, due to which she sustained serious injuries. In view of case of complainant as aforesaid, on perusal of medical report, complainant is stated to have sustained injury by way of fracture of tibial plateau by hard and blunt object. There is no reference whether alleged assault by axe was committed by blunt side of axe or by its handle. In that view of the matter, injuries sustained by complainant, which are claimed to be by axe, prima facie do not appear to be possible by weapon attributed to applicant. Even otherwise, applicant has attended Investigating Officer as per earlier directions. In that view of the matter, though application is opposed for want of interrogation of applicant for recovery of axe, this by itself is not sufficient to reject the application. Hence, the application is liable to be allowed as per order below :

Interim protection granted to applicant vide

order dated 15/9/2016 stands confirmed on the same terms and conditions with further direction to applicant to attend Investigation Officer till filing of charge-sheet. The criminal application is accordingly allowed.

JUDGE

khj