

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

CRIMINAL APPLICATION (ABA) 51 OF 2020

(Suresh s/o. Santosh Bhalerao..vs.. State, thr PSO, Mahekar, Dist. Buldhana)

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

Court's or Judge's orders.

Shri Mahesh Rai, counsel for applicant.
Shri S.S. Doifode, Addl. Public Prosecutor for non-applicant.

CORAM: ROHIT B. DEO, J.
DATE:20.02.2020.

The applicant is apprehending arrest in offence punishable under section 307, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code registered at the Mahekar Police Station vide Crime 411 of 2019.

2. The informant Parmeshwar Dnyaneshwar Aasole lodged report against 15 persons including the applicant. 8 accused were arrested, four accused have sought anticipatory bail and three accused are absconding, is the clarification of the State, in the affidavit in response.

3. The incident occurred on 27.11.20019 at 10 a.m.. The dispute between two groups presumably pertains to the possessory rights qua an agricultural field. The two groups appear to have engaged in physical altercation. Both the groups i.e. the group to which the applicant belongs and the group to which the informant belongs, lodged reports. Shri Mahesh Rai, the learned counsel for the applicant is at pains to emphasize that while the applicant's group lodged report at 22.28 hrs on 27.11.2019, the rival group lodged

the report at 0.12 hrs. The submission is, that the report lodged by the applicant's group is prior, is suggestive of the later report being motivated and false. It is difficult to appreciate the submission of Shri Mahesh Rai. The fact that the report of the rival group is later in point in time leads to no inference that the report is false. I have perused the case papers and the medical certificates. The injuries suffered by the members of the informant's group were more serious and it is obvious that some time must have been taken for the said group to approach the Police Station.

4. The allegation against the present applicant is assault with Axe. The injury suffered by Deorao is not inconsistent with the prosecution version. Obviously, the nature of the injury would depend on whether the sharp or the blunt side of the Axe was used and it is not for this court to consider in great detail the submission of Shri Mahesh Rai that the medical report rules out the use of Axe, as a weapon of offence. This would be looked into by the trial Court, at an appropriate stage.

5. Perusal of the case diary would show that there is ample material on record to connect the applicant with the crime. In my considered view, this is not a case for exercising discretion in favour of the applicant.

6. The application is dismissed.

Judge