

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

CRIMINAL APPLICATION (ABA) NO. 868 OF 2019

Akash Baban Wakale and another .Vs. State of Maharashtra,through P.S.O,
P.S. Lonar, Dist. Buldhana.

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

Court's or Judge's orders.

Mr. D.J. Shejul, Advocate for applicants.

Mr. P.S. Tembhare, A.P.P. for non applicant- State.

CORAM : V. M. DESHPANDE, J.

DATED : JANUARY 02, 2020

This is an application for anticipatory bail.

Applicants are apprehending their arrest in connection with Crime No. 253/2019 registered with Police Station, Lonar District Buldhana for an offence punishable under Sections 307, 323, 324, 504 read with Section 34 of the Indian Penal Code.

Heard Mr. D.J. Shejul, learned counsel for applicants and Mr. P.S. Tembhare, learned Additional Public Prosecutor for non applicant-State. Also perused reply filed on behalf of prosecution in the light of investigation papers.

On 17.12.2019, this Court granted interim protection in favour of applicant no.2-Anusayabai. As per First Information Report (FIR) which is lodged on 05.09.2019 by Jayshree, wife of injured Hansraj, on 03.09.2019, there took a quarrel between Hansraj and applicant no.1-Akash who is a driver who runs his own Tata Ace vehicle. Akash is his neighbour. According to the FIR,

on 04.09.2019 at about 06:30 p.m. when Hansraj had been to the house, at that time applicant no.1-Akash gave a call to him. When he proceeded, Jayshree also followed him. As per the report, Akash on account of the old dispute, assaulted on Hansraj by means of axe on his head and neck. It is also stated in the FIR that applicant no.2-Anusayabai also gave fist blows and assaulted on Hansraj's leg by means of stick.

Investigation papers would show that Hansraj was brought to the hospital by his relatives and it shows that he suffered injuries due to fall from bank at Lonar lake. The injury report also does not show any injury which is commensurate to the weapon axe.

In that view of the matter, possibility of false implication of the applicants in the matter is not completely ruled out. That leads me to pass following order:

ORDER

- (i) The application is allowed.
- (ii) In the event of arrest in connection with Crime No. 253/2019 registered with Police Station, Lonar District Buldhana for an offence punishable under Sections 307, 323, 324, 504 read with Section 34 of the Indian Penal Code, applicant no.1-Akash Baban Wakale and applicant no.2- Anusayabai Baban Wakale be released on they executing P.R. bonds in the sum of ₹ 10,000/- each, with one solvent surety each in the like amount.

(iii) Applicant no.1-Akash Baban Wakale alone is directed to attend Police Station, Lonar District Buldhana once in a week i.e. on every Monday and shall be with the Investigating Officer from 03:00 p.m. to 05:00 p.m. till filing of the charge-sheet.

The application is disposed of.

JUDGE

srwagh