

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

926 BAIL APPLICATION NO.267 OF 2022

Kamal @ Kanti Ramjan Teli
Age: 59 years, Occu.: Business,
R/o. Gandhinagar, Behind Bus Stand,
Amalner, Tq.Amalner, Dist.Jalgaon. ..Applicant

VERSUS

The State of Maharashtra
Through Inspector, Police Station Amalner,
Tq.Amalner, Dist.Jalgaon. ..Respondent

...
Advocate for Applicant : Shri M.G.Kochar h/f. Shri B.R. Waramaa
APP for Respondent : Shri G.O.Wattamwar

...
CORAM : M.G.SEWLIKAR, J.

DATE: 9th March, 2022

PER COURT :-

1. Heard Shri M.G.Kochar, learned counsel holding for Shri B.R.Waramaa, learned counsel for the applicant and Shri G.O.Wattamwar, learned APP for the respondent-State.

2. Informant - Aktar Rajjak Teli is the son of Rajjak Ramjan Teli and nephew of accused Rahim Ramjan Teli. Rajjak Ramjan Teli, Rahim Ramjan Teli, Karim Ramjan Teli, Babu Ramjan Teli are the brothers. There was a property dispute between the brothers in regard to plot No.3282 situated at Amalner.

3. On 5th January, 2022 at 11:30 a.m. accused Rahim Rajjak Teli and other accused came to the house of the informant and they wanted Rajjak Ramjan Teli to sign a stamp paper. When Rajjak Teli refused to do so, accused Rahim Teli threw chilli powder in the eyes of Rajjak Teli. Accused Rahim Teli held Rajjak Teli from behind. At that time, Anam Teli, Karim Teli and other accused including applicant Kamal @ Kanti Teli started beating Rajjak with wooden rod, iron rod and hockey stick. Informant locked himself in wash-room. A little while later, he came out of the wash-room. As soon as he came out accused Rahim Teli beat him with wooden rod and Anam Teli stabbed him in the abdomen but he evaded the blow by moving aside on account of which the blow accidentally pierced into the abdomen of accused Rahim Teli. Accused Kamal Teli delivered a blow of wooden rod on his head. On these allegations, FIR came to be lodged on the basis of which Crime No.0003 of 2022, came to be registered against the applicant and other accused with Amalner Police Station, District Jalgaon, under Sections 307, 452, 143, 147, 149, 120-B of the Indian Penal Code.

4. Shri Kochar, learned counsel for the applicant submits that entire investigation is complete. Only formality of presenting charge-sheet is left. He submits that two accused have been

released on anticipatory bail by this Court. He further submits that three accused have been released on anticipatory bail by the Sessions Court. He further submits that injured Aktar Teli did not sustain any injury on vital part of the body. He sustained fracture on his leg. He, therefore, seeks release of the applicant on bail.

5. Shri Wattamwar, learned APP for the respondent submits that all the applicants assaulted the informant and his father. He submits that informant has injury on his leg and his father has injuries on his head and on the leg. He submits that considering the injuries, applicant may not be released on bail.

6. The injury certificate of the informant Aktar does not show that he had sustained any fracture injury. He sustained simple injury. So far as Rajjak Ramjan Teli is concerned, he also had injuries on his person but there is no serious injury on vital part of the body. He has minimally displaced fracture of distal 1/3rd shaft of left ulna and oblique fracture of proximal 1/3rd of shaft of tibia. These are no doubt grievous injuries. But they are not on the vital part of the body. Rajjak Teli has been discharged from the hospital. The report of the Investigating Officer does not show that any complications are developed in his general health

condition. He is required to take the follow-up treatment. General allegation is made that the applicant and other accused assaulted Rajjak Teli.

7. Shri Wattamwar, learned APP for the respondent submits that applicant has criminal antecedents.

The offence registered against the applicant is under Section 294 of the Indian Penal Code, which is of uttering obscene words and ballad at public place.

8. Having regard to what is discussed herein above, I am inclined to release the applicant on bail. In view of this, following order is passed :-

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.50,000/- (Rs. Fifty thousand only) with one solvent surety in the like amount, in connection with Crime No.0003 of 2022, registered with Amalner Police Station, Dist. Jalgaon, under Sections 307, 452, 143, 147, 149, 120-B of the Indian Penal Code and on condition that he shall not enter Taluka Amalner, till the conclusion of the trial except for attending the dates fixed during the trial.

iii) Bail Application is disposed of.

iv) It is clarified that the observations made in this order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

(M.G.SEWLIKAR)
JUDGE

SPT