

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 436 OF 2015

Shamsing s/o. Walya @ Walmik Bhil **....Applicant.**

Versus

The State of Maharashtra **....Respondents.**

Mr. V.P. Raje h/f. Mr. C.R. Deshpande, Advocate for applicant.

Mr. R.P. Phatke, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 17th February, 2015.

ORDER :

1. Application is filed for bail. Both the sides are heard.

This Court has perused the papers of investigation.

2. The crime is registered on the basis of report given by one Prakash Mahajan, Assistant Police Inspector. The incident in question took place on 9.1.2010. On that day, police had taken action on the basis of information received by them and they wanted to take one Kiran Anna Bhill in custody. This person was actually taken in to custody as he was wanted in many cases of dacoity. When they were taking this person with them, the persons like present applicant gathered there and they

obstructed police. They were preventing police from taking Kiran Bhill with them. Allegations are made that stones were pelted and force was used against police by other persons. Allegations are made that present applicant held the neck of the complainant and tried to press it and due to that complainant became uneasy. Allegations are made that some lady members also assaulted police.

3. The injury certificate in respect of Prakash Mahajan is produced on the record and it shows that he gave history of attempt of throttling. There was abrasion over palm. Allegation of pulling of private part is also made, but there is no such evidence and that part of the incident is attributed to lady members.

4. By way of precaution, this Court had directed the learned APP to ascertain as to whether the present applicant has criminal antecedents. The matter was adjourned on 13.2.2015 for giving opportunity, but today the learned APP submitted that no such information is received till today.

5. The learned counsel for the applicant submitted that applicant has been behind bars since 4.5.2014. In view of nature

of allegations and aforesaid record, this Court holds that it is not desirable to keep the applicant behind bars till the disposal of the case. The case is filed for offence punishable under section 307, 353 etc. of I.P.C.

6. In the result, the application is allowed. The applicant is to be released on bail on his furnishing PR and SB of Rs. 30,000/- (Rupees thirty thousand) with one solvent surety of like amount. He is not to tamper with the prosecution witnesses. He is not to commit the similar offence.

[T.V. NALAWADE, J.]

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