

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

CRIMINAL APPLICATION NO. 1234 OF 2015

Raibhan S/o Shankar Barse & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. Shaikh Mazhar A.Jahagirdar, Advocate for
Applicants.

Mrs. V.A.Shinde, A.P.P. for Respondent - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 18th MARCH, 2015

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PER COURT :

1. This is an application for anticipatory bail in connection with Crime No. 16/2015 for the offence punishable u/s 143, 147, 148, 149, 302, 325, 324, 323, 504, 506 of the Indian Penal Code registered with police station

Shrirampur Taluka, Dist. Ahmadnagar.

2. Heard Mr. Shaikh Mazhar A.Jahagirdar, the learned Counsel for the applicants and Mrs. V.A.Shinde, the learned A.P.P. for respondent – State. She has made available entire case papers of the investigation before this court while opposing the application for anticipatory bail.

3. The incident is dated 26/01/2015. According to the prosecution, Kusum died in the incident.

4. From the F.I.R. it is clear that no role is ascribed to the applicant No. 1 Raibhan who is aged about 75 years and applicant No. 2 Shakuntala who is aged about 70 years. Further, the learned A.P.P. has fairly stated that from the entire papers of the investigation, there is no incriminating material against applicant Nos. 1 and 2.

5. In so far as applicant No. 3 Vijay is concerned, from the F.I.R. the role ascribed is that applicant Vijay had assaulted with the help of stick. However, F.I.R. is silent about the fact that on whose person applicant No. 3 Vijay has given stick blow. The learned A.P.P. submitted that in view of the statement of Pushpabai and Sonali, it is clear that applicant Vijay has given blow of iron rod. I have gone through the statements of Pushpabai and Sonali which is made available to me. From the said statements, it is clear that applicant Vijay had assaulted on the hand of deceased Kusum. The blow of said iron rod was not given by applicant

No. 3 Vijay on any vital part of the body of Kusum. In that view of the matter, applicant No. 3 Vijay can not be held responsible, at least *prima facie*, for the death of Kusum.

6. Hence, I pass the following order :

- (i) Criminal Application No. 1234 of 2015 is hereby allowed.
- (ii) In the event of their arrest, in connection with Crime No. 16/2015 for the offences u/s 143, 147, 148, 149, 302, 325, 324, 323, 504, 506 of the Indian Penal Code registered with police station Shrirampur Taluka, Dist. Ahmadnagar, applicant Nos. 1 to 3 shall be released on anticipatory bail on they executing P.R.Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with one solvent surety of like amount by each of them.
- (iii) It is further directed that the applicant No. 3 Vijay S/o Raibhan Barse shall attend police station Shrirampur, Dist. Ahmadnagar twice in a week, more preferably on every Friday and Tuesday between 1.00 p.m. and 4.00 p.m.
- (iv) The applicants shall not interfere with the course of investigation and shall not tamper with the prosecution evidence.

(v) Criminal Application No. 1234 of 2015 is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1234.2015