

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

CRIMINAL APPLICATION NO. 1395 OF 2015

Devidas s/o Khandu Patil & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra & Anr. **RESPONDENTS**

.....

Mr.L.V.Sangeet, Advocate for Applicants.

Mrs. Pratibha Bharad, A.P.P. for R – 1 State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 13th APRIL, 2015

.....

PER COURT :

1. At the out set, Mr. L.V.Sangeet, learned counsel for the applicants submits that he wish to withdraw the application for anticipatory bail on behalf of applicant No. 2 Sahebrao Khandu Patil. Hence, the application for anticipatory bail on behalf of Sahebrao Khandu Patil is rejected as withdrawn.

2. Heard Mr.L.V.Sangeet, learned counsel for the applicants and Mrs. Pratibha Bharad, learned A.P.P. for respondent No. 1 – State.

3. In so far as the application of applicant No. 1

Devidas s/o Khandu Patil and applicant No. 3 Hari s/o Khandu Patil is concerned, I have gone through the F.I.R. lodged by first informant Bhaskar. Looking to the nature of accusations made against present applicant Nos. 1 and 3 and injury certificate of Bhaskar, it is clear that present applicant Nos. 1 and 3, at least *prima facie*, can not be held responsible for the alleged assault and their custody is not required in view of the fact that the accusations of using sickle is against co-accused Sahebrao.

4. In that view of the matter, I propose to pass the following order.

(i) The present Criminal Application is partly allowed.

(ii) Criminal Application of applicant No. 2 Sahebrao s/o Khandu Patil is hereby rejected as withdrawn.

(iii) In the event of their arrest, in connection with Crime No. 13/2015 for the offences punishable u/s 326,324,504 read with 34 of the Indian Penal Code registered with Police Station Nandurbar Taluka, district Nandurbar applicant No. 1 Devidas s/o Khandu Patil and applicant No. 3 Hari s/o Khandu Patil be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rupees Five Thousand] with one solvent surety in like amount by each of them.

(iv) Applicant No. 3 Hari s/o Khandu Patil shall attend police station Nandurbar Taluka once a week preferably on every Sunday in between 10.00 a.m. and 11.00 a.m. till the charge sheet is filed.

(v) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]