

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

CRIMINAL APPLICATION NO. 1581 OF 2015

Rakhama Shankar Barse & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

.....

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

Mr. U.H.Bhogale, A.P.P. for Respondent – 1 State.

Mr. Kailas B. Autade, Advocate for first informant.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 13th APRIL, 2015

.....

PER COURT :

1. By the present application, the applicants are seeking anticipatory bail since they are apprehending their arrest in connection with Crime No. 16/2015 for the offences punishable u/s 143, 147, 148, 149, 325, 324, 323, 504, 506, 302 of the Indian Penal Code registered with Police Station Shrirampur Taluka, district Ahmednagar.

2. Heard Mr. Shaikh M.A.Jahagirdar, learned counsel for the applicants, Mr. U.H.Bhogale, learned A.P.P. for respondent – State and Mr. Kailas B. Autade, learned counsel for the first informant in extenso.

3. It appears that on 26/01/2015, two groups assaulted each other. In one group, present applicants are alleged to have been the members, while in other group, first informant and one Yakub Isak Barse, who is also the applicant before this Court in Criminal Application No. 1714 of 2015 were the members.

4. F.I.R., wherein the present applicants are claiming anticipatory bail, is the subsequent F.I.R. Initially, the offence was registered u/s 143, 147, 148, 149, 325, 324, 323, 504, 506 of the Indian Penal Code. However, Kusumbai died on 03/02/2015. Therefore, the offence was converted into the offence punishable u/s 302 of the Indian penal Code.

5. F.I.R. shows that Sachin, the first informant, when sitting at his house, it is alleged that main accused Rajendra along with others including present applicants came to his house and on account of the old enmity in respect of the civil dispute which is going on in the Court, started assaulting the first informant. That time, his mother Kusumbai, Yakub Isak Barse, who is also the applicant before this Court in Criminal Application No. 1714 of 2015 and others came. Main accused Rajendra along with others gave stick blows on them also. In the F.I.R., no specific role is ascribed to the present applicants. General allegations are made. Specific allegations are made against accused Rajendra.

6. Further to be noted that applicant No. 1 Rakhama Shankar Barse is having incised wound over right side vertex

7x2xbone deep and incised wound 5x1xbone deep apart from other injuries. Thus, it is clear that applicant No. 1 Rakhama has received serious injuries.

7. Looking to the general nature of allegations against the present applicants and due to the fact that present applicant No. 1 is aged 68 years and applicant No. 2 who is lady aged about 59 years and as the main accused Rajendra is already in jail, custodial presence of the present applicants is not all necessary.

8. Hence, I pass the following order.

(i) The present Criminal Application is allowed.

(ii) In the event of their arrest, in connection with Crime No. 16/2015 for the offences punishable u/s 143, 147, 148, 149, 325, 324, 323,504,506,302 of the Indian Penal Code registered with Police Station Shrirampur Taluka, district Ahmednagar, applicant No. 1 Rakhama s/o Shankar Barse and applicant No. 2 Vatsalabai w/o Rakhama Barse be released on anticipatory bail on they executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] with two solvent sureties in like amount by each of them.

(iii) Applicant No. 1 Rakhama s/o Shankar Barse shall attend Police Station Shrirampur

Taluka, district Ahmednagar once a week preferably on every Sunday in between 10.00 a.m. and 11.00 a.m.

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

[V.M.DESHPANDE, J.]