

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

CRIMINAL APPLICATION NO. 1601 OF 2015

Raju Sitaram Godse & Ors.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. Sayyed Tauseef Yaseen, Advocate
for Applicants.

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.

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CORAM : V.M.DESHPANDE, J.

DATE : 17th APRIL, 2015

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PER COURT :

1. By the present application, the applicants are seeking anticipatory bail in connection with Crime No. 02/2015 for the offences punishable u/s 147,148,149,341, 307,324,325,427,504,506 of the Indian Penal Code and u/s 3,25 and 27 of the Indian Arms Act registered with police station Peth, Beed, since they are apprehending their arrest.

2. Heard Mr. Sayyed Tauseef Yaseen, learned counsel for the applicants and Mrs. Pratibha Bharad, learned A.P.P. for respondent – State. She has also made available to

the Court the investigation papers.

3. F.I.R. is lodged by Dharmraj @ Balu Laxman Gunjal with police station Peth, Beed on 05/01/2015 in respect of the incident that occurred on 04/01/2015. From the F.I.R., it is clear that co-accused were responsible for making murderous assault on the first informant by using sword, iron rod, etc. Co-accused, who assaulted first informant, were arrested and they are already released on regular bail by the Court below.

4. In so far as present applicants are concerned, in the F.I.R. the allegation against them is that they made attack on the friends of the first informant by name Vicky Uttamrao Jadhav and Ashok Vishnu Rajpure. Statement of Vicky Uttamrao Jadhav is recorded by the Investigating officer, who has stated that he was assaulted by applicant No. 5 Rahul Gokul Fartale. Injury certificate of both Vicky Uttamrao Jadhav and Ashok Vishnu Rajpure shows that the injuries suffered by them are simple in nature and the dimensions of the injuries are also very small and skin deep only. *Prima facie*, they can not be held responsible for the offence punishable u/s 307 of the Indian Penal Code. Further, main accused were arrested and recovery of weapons is already made from them. In that view of the matter, present applicants can be protected.

5. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of their arrest, in connection with Crime No. 02/2015 for the offences punishable u/s 147, 148, 149, 341, 307, 324, 325, 427, 504, 506 of the Indian Penal Code and u/s 3, 25 and 27 of the Indian Arms Act registered with police station Peth, Beed, present applicant Nos. 1 to 7 be released on anticipatory bail on they executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount by each of them.

(iii) Applicant Nos. 1 to 7 shall attend police station Peth, Beed once a week preferably on every Sunday between 2.00 p.m. and 5.00 p.m. till charge sheet is filed

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

[V.M.DESHPANDE, J.]