

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

CRIMINAL APPLICATION NO. 1630 OF 2015

Rushikesh S/o Pramod Choudhari APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

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Mr. S.S.Panale, Advocate for Applicant.

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

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CORAM : V.M.DESHPANDE, J.

DATE : 8th APRIL, 2015

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PER COURT :

1. By the application, the applicant is seeking his release on bail, since he is languishing in jail, in connection with Crime No. 72/2015 registered with police station Kranti Chowk, Aurangabad Dist. Aurangabad for the offences punishable u/s 307, 143, 147, 148, 149 of the Indian Penal Code .

2. Heard Mr. S.S.Panale, learned Counsel for the

applicant and Mrs. V.A.Shinde, the learned A.P.P. for respondent – State.

3. The date of incident is 12/02/2015. The occurrence is at 11.30 p.m. F.I.R. was lodged on 13/02/2015. The injured is first informant. According to F.I.R., on 12/02/2015, first informant along with his friend Pravin Kuber were proceeding from Nageshwarwadi to his house by motorcycle, that time near Zhashi Rani chowk, 4 – 5 persons were making assault on one unknown person. Therefore, first informant and his friend Pravin tried to intervene in the said quarrel. Upon that, the persons who were making assault, started assaulting first informant and his friend. A person who was holding 'Gupti', has made assault on the thigh, buttock and the shoulder of the first informant. Thereafter, other persons called assailant as Sambhaji Bhale and thereafter they ran away.

4. Thus, it is clear from the F.I.R. that the role is ascribed against Sambhaji Bhale and not against the present applicant.

5. Further, learned A.P.P. has fairly stated that though charge sheet is not filed, the investigation is already over and the formality of filing charge sheet only remained. She further stated that there is nothing incriminating available against the present applicant. There is no recovery at his instance. Thus, further continuance in the custody of the present applicant is not required.

6. Hence, I pass the following order :

(i) The present Criminal Application is hereby allowed.

(ii) Applicant Rushikesh S/o Pramod Choudhari be released on bail in connection with Crime No. 72/2015 registered with police station Kranti Chowk, Aurangabad Dist. Aurangabad for the offences punishable u/s 307, 143, 147, 148, 149 of the Indian Penal Code on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount.

(iii) The applicant shall attend police station Kranti Chowk, Aurangabad once a week preferably on every Sunday between 3.00 p.m. and 4. 00 p.m. till the charge sheet is filed.

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

[V.M.DESHPANDE, J.]