

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

Criminal Application No. 1638 Of 2015.

SAMADHAN S/O MAHADEO SHITOLE & ANR.
VERSUS
THE STATE Of MAHARASHTRA.

Appearance =>

Mr. Tukaram Venjane, Advocate for the Applicants.

Mrs. V.A. Shinde, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 7th April, 2015.

Per Court :-

Present Criminal Application is filed by the Applicants for grant of anticipatory bail, since they are apprehending their arrest in connection with CR No. 9/2015 registered with Police Station, Shiradhon Taluka - Kallamb, District – Osmanabad for the offences punishable under Section.s. 327, 334, 341, 504, 506 read with 34 of the Indian Penal Code.

[2] Heard Mr. Tukaram Venjane, learned counsel for the Applicants and Mrs. V.A. Shinde, learned Additional Public Prosecutor for the State of Maharashtra.

[3] First Information Report is lodged by one Balasaheb Haribhau Shitole. In the First Information Report, specific accusation is made against accused No.1 – Samadhan that he assaulted Balasaheb on his head by means of iron rod, resulting into sustaining injury on his head. Mrs. V.A. Shinde,

learned Additional Public Prosecutor has fairly stated that injured Balasaheb Haribha Shitole was referred to Primary Health Center, Shiradhon, Taluka - Kallamb, District – Osmanabad. Doctor has given the certificate, which is part and parcel of investigation papers which shows that, there is no injury on the person of Balasaheb, on his head.

[4] In that view of the mater, it is clear that, the Applicants are entitled for discretionary relief from this court that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) Applicant No.1 - SAMADHAN S/O MAHADEO SHITOLE and Applicant No.2 – BALAJI BAPURAO ALTE shall be released on anticipatory bail on they executing P.R. Bond of Rs. 5,000/- [Rs. Five Thousand.] each with one solvent surety in the like amount, in connection with CR No. 9/2015 registered with Police Station, Shiradhon Taluka - Kallamb, District – Osmanabad for the offences punishable under Section.s. 327, 334, 341, 504, 506 read with 34 of the Indian Penal Code.

(V.M. DESHPANDE, J.)