

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1706 OF 2015

[Harishchandra s/o Ganpati Phad and ors. Vs The State of Maharashtra & ors.]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri J.M.Murkute, advocate for applicants
Smt. P.J.Bharad, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 16th April, 2015

PER COURT :-

1] This is an application for anticipatory bail, since the applicants are apprehending their arrest in connection with Crime No. 64 of 2015, registered at police station Gangakhed, District Parbhani for the offences punishable under Sections 436, 427 r/w 34 of the Indian Penal Code.

2] Heard Shri J.M.Murkute, learned Additional Public Prosecutor for the respondent/State.

3] The first information report is lodged on 10.3.2015 by Murlidhar Phad, whose cattle shed was set ablaze by the present applicants, according to the accusations made in the first information report. From the first information report, it is clear that the first informant is not eye witness for the atrocious act of the present applicant. According to the first information report he was intimidated by his nephew Hanuman Gangadhar Phad. As per the first information report, Hanuman came to the first informant and disclosed that the present applicant has set ablaze the cattle shed.

4] Learned Additional Public Prosecutor has made available the statement of Hanuman recorded by the

investigating officer. The said statement reveals that he has not seen the actual act on the part of the present applicants of setting ablaze the cattle shed. What is stated in his statement is that he saw the cattle shed in burning condition and at that time the present applicants were running from the said place. Merely because the persons like the applicants are running from nearby the place of occurrence that by itself is not sufficient to hold that the applicants alone must have set ablaze the cattle shed, especially when admittedly there is a long standing dispute between the applicants and the first informant. Thus, there is an element about suspicion in respect of the act of the present applicants.

5] Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) In the event of their arrest, in connection with Crime No. 64 of 2015, registered at police station Gangakhed, District Parbhani for the offences punishable under Sections 436, 427 r/w 34 of the Indian Penal Code, the applicants- Harishchandra s/o Ganpati Phad and Shrihari s/o Ganpati Phad be released on anticipatory bail on they each executing P.R. bond in the sum of Rs.10,000/- with one solvent surety of like amount by each of them.
- (iii) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap1706.15