

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

CRIMINAL APPLICATION NO. 1893 OF 2015

Gangadhar Natwar Padwi

.... APPLICANT

V E R S U S

The State of Maharashtra & Ors.

.... RESPONDENTS

.....

Mr. D.M.Pingale, Advocate for Applicant.

Mr. A.S.Shinde, A.P.P. for R – 1 State.

.....

CORAM : V.M.DESHPANDE, J.

DATE : 28th APRIL, 2015

.....

PER COURT :

1. Applicant, since apprehending his arrest in connection with Crime No. 58/2014 registered with Molgi police station, Tq. Akkalkuwa, Dist. Nandurbar for the offences punishable u/s 141,143,149,109,326 of the Indian Penal Code, is before this Court.

2. Heard Mr. D.M.Pingale, learned counsel for the applicant and Mr. A.S.Shinde, learned A.P.P. for respondent No. 1 – State.

3. F.I.R. is lodged by first informant Chintaman Kobya Vasave. From the accusations in the F.I.R., it is crystal clear that, at the time of alleged occurrence, present applicant

was not present at all on the spot of incident. F.I.R. discloses that name of present applicant is taken by first informant on the basis of 'suspicion' only. Further, from the allegation made in the F.I.R., assailants, who are already released on regular bail by the Court below, have assaulted by means of fist and kick blows. Therefore, *prima facie*, whether offence u/s 326 of the Indian Penal Code is attracted or not is a debatable question.

4. Learned A.P.P. has submitted that present applicant is having criminal antecedents at his discredit. Merely because criminal antecedents is at his discredit, that does not dis-entitle the applicant to get bail. If there is no evidence or the evidence is a very weak, in which he is claiming bail, applicant is entitled for bail.

5. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) In the event of arrest, in connection with Crime No. 58/2014 registered with Molgi police station, Tq. Akkalkuwa, Dist. Nandurbar for the offences punishable u/s 141,143,149, 109,326 of the Indian Penal Code, applicant Gangadhar Natwar Padwi be released on anticipatory bail on he executing P.R. Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount.

(iii) Applicant shall attend Molgi police station once in a week preferably on every Sunday between 3.00 p.m. and 4.00 p.m. till charge sheet is filed.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1893.2015