

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

CRIMINAL APPLICATION NO. 1955 OF 2015

Namdeo s/o Bhaurao Shelake & Ors. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. N.V.Gaware, Advocate for Applicants.

Mrs. V.A.Shinde, A.P.P. for Resp.– State.

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CORAM : V.M.DESHPANDE, J.

DATE : 28th APRIL, 2015

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PER COURT :

1. This is an application for anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 29/2015 registered with Mukhed police station, Dist. Nanded for the offences punishable u/s 307,326,324,143,147,148,149,337,338 of the Indian Penal Code.

2. Heard Mr. N.V.Gaware, learned counsel for the applicants and Mrs. V.A.Shinde, learned A.P.P. for respondent – State.

3. Learned counsel for the applicants pointed out from F.I.R. that the role is attributed against 35 persons. He has pointed out that remaining 31 persons are already released by learned Court below either on anticipatory bail or on regular bail.

4. Perusal of F.I.R. shows that there are general allegations against all 35 persons. There are no specific accusations in the F.I.R. as to which of the applicant was holding which weapon nor it is stated in F.I.R. that which of the present applicants has given blow of weapon to any of the injured person. Learned A.P.P. tried to impress upon the Court by pointing out statement of Sarojabai, Sumanbai and Gajanan. Sarojabai is wife of Namdeo. According to her statement, present applicant No. 1 Namdeo, who is aged about 80 years was holding axe, applicant No. 2 Rajendra was holding sword and applicant Nos. 3 and 4 were holding sticks. Her statement does not reflect any specific role to any of the applicant except applicant No. 4 Tulsiram. According to Sarojabai, Tulsiram has given blow of stick. Learned A.P.P., after perusal of statement of Namdeo, stated that there are no injuries on the person of Namdeo. In that view of the matter, it is clear that the Court should not readily accept the statement of Sarojabai, especially when, even according to Sarojabai, there are two groups in the village, one lead by Gadhave party and another by Mundkar party. Sarojabai is from the group of Mundkar party and there is long standing dispute in these two groups. In that view of the matter, false

implication at the hands of Sarojabai and Sumanbai can not be ruled out. In so far as statement of Gajanan is concerned, it has attributed specific role to the persons, who have given blow to him. He has not taken name of any of the present applicants that any of them was responsible for any injury caused to him. In that view of the matter, applicants have made out *prima facie* case in their favour for anticipatory 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. 29/2015 registered with Mukhed police station, Dist. Nanded for the offences punishable u/s 307,326,324,143,147,148, 149, 337,338 of the Indian Penal Code, applicant No. 1 Namdeo s/o Bhaurao Shelake, applicant No. 2 Rajendra s/o Bhaurao Shelake, applicant No. 3 Tukaram s/o Namdeo Shelake and applicant No. 4 Tulsiram s/o Namdeo Shelake 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) Present applicant Nos. 1 to 4 shall attend Mukhed police station once in a week preferably on every Saturday between 3.00 p.m. and 4.00 p.m. till the charge sheet is filed.

(iv) Present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]

KNP/Cr.Apln. 1955.2015