

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

CRIMINAL APPLICATION NO. 1964 OF 2015

Kiran s/o Yeshwant Pawar & Anr.

.... APPLICANTS

V E R S U S

The State of Maharashtra

.... RESPONDENT

.....

Mr. M.A.Tandale, Advocate for Applicants.

Mrs. S.G.Chincholkar, 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. Heard Mr. M.A.Tandale, learned counsel for applicants and Mrs. S.G.Chincholkar, learned A.P.P. for Respondent – State.

2. Learned counsel for applicants submitted that the applicants, who are arrested in connection with Crime No. 189/2014 registered with Nandurbar Police Station, Dist. Nandurbar for the offences punishable u/s 307,452,504,506 read with 34 of the Indian Penal Code needs to be released on bail in view of the fact that charge sheet is already filed. He further submitted that looking to the nature of the injuries, the case can not travel beyond section 323 or at the most

section 324 of the Indian Penal Code.

On the other hand, learned A.P.P. submitted that there is fear in the mind of the injured and thus if the applicants are released on bail, there will be apprehension to the prosecution that the applicants will tamper with the injured persons.

3. Learned counsel for applicants has invited my attention to the joint application filed before the learned trial Court by the applicants as well as the injured pointing out that the dispute between them is amicably settled. However, said application was rejected. This Court is not making any observation in that behalf, since the applicants are at liberty to take appropriate course as advisable to them. Suffice it to say, since injured has survived, there is no chance of the offence being converted into more grievous one, looking to the injuries as pointed out and the charge sheet is filed, further custodial presence of the applicants is not warranted. Apprehension of the prosecution can be taken care by imposing certain conditions on the applicants.

4. Hence, I pass the following order :

(i) Present Criminal Application is allowed.

(ii) Applicant No. 1 Kiran s/o Yeshwant Pawar and applicant No. 2 Mycal s/o Somnath Vasave be released on bail in connection with Crime No. 189/2014 registered with Nandurbar Police Station, Dist. Nandurbar for the offences

punishable u/s 307,452,504,506 read with 34 of the Indian Penal Code on they executing P.R. Bond of Rs. 20,000/- [Rupees Twenty Thousand] with one solvent surety of like amount by each of them. Bail before the trial Court.

(iii) Present applicants shall not enter Nandurbar district except on the date of the trial.

(iv) Present applicants shall convey their address of residence at Dhule city within a period of one month from today to the Investigating officer and for intimating the same, they will be allowed to enter Nandurbar district.

(v) Present applicants shall attend Dhule [City] Police Station once in a fortnight preferably on every Sunday between 4.00 p.m. and 5.00 p.m. till the charge is framed by the Court below.

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

[V.M.DESHPANDE, J.]