

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2015 OF 2015

[Gaurav s/o Prakash Barhate and anr. Vs The State of Maharashtra]

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

Court's or Judge's orders

Shri B.R.Kedar, advocate for applicants
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 27th April, 2015

PER COURT :-

1] By the present application, the applicants are seeking anticipatory bail, since they apprehend their arrest in connection with Crime No. 36 of 2015, registered with Bhusawal Bazar Peth police station, District Jalgaon, for the offences punishable under Sections 323, 324, 392, 504, 506 r/w 34 of Indian Penal Code.

2] I have heard Shri B.R.Kedar, learned counsel for applicants and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.

3] For an incident, dated 11.12.2014 firstly the father of the present applicant no.1 and brother of applicant no.2 Prakash Pandit Barhate lodged report with police station Bazar Peth Bhusawal against five persons including Ganesh Ramesh Patil who is the complainant in Crime No. 36 of 2015 in which present applicants are seeking anticipatory

bail.

4] Ganesh Ramesh Patil filed an application in the court of Judicial Magistrate, First Class against the present applicants and others under Section 156 (3) of the Criminal Procedure Code. The learned Magistrate directed to investigate and accordingly the crime is registered.

5] For the same incident, the first information report is already registered against Ganesh. Though, Ganesh has stated that the present applicants have given hard hitting blow on the head, the injury certificate of Ganesh shows that there is only abrasion on the parietal region and the doctor has opined that injury is simple.

6] Further, in so far as snatching of the mobile is concerned, though in the complaint there is an allegation against applicant no.1, however, the application under Section 156(3) of the Code of Criminal Procedure does not show that the on day on which complainant Ganesh approached the police station and he has tried to lodge the report. In that view of the matter, the applicants can be protected. Hence, I pass following order.

ORDER

- (i) Application is allowed.
- (ii) Applicants No.1-Gaurav s/o Prakash Barhate and No.2-Kisan s/o Pandit Barhate be released on anticipatory bail in the event of their arrest, in connection with Crime No. 36 of 2015, registered with Bhusawal Bazar Peth police station, District Jalgaon, for the offences punishable under Sections 323, 324, 392, 504, 506 r/w 34 of Indian Penal Code, on they each executing P.R. bond in the sum of Rs.10,000/- with one solvent surety in the like amount.

- (iii) Applicants No.1-Gaurav s/o Prakash Barhate and No.2-Kisan s/o Pandit Barhate, shall attend police station Bhusawal Bazar Peth twice a week, preferably on every Sunday and Monday in between 10.00 a.m. to 2.00 p.m. till charge sheet is filed.
- (iv) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2015.15