

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

CRIMINAL APPLICATION NO. 2046 OF 2015

Vishal s/o Sundar Waghmare & Anr. **APPLICANTS**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. S.S.Thombre, Advocate for Applicants.

Mrs. S.G.Chincholkar, A.P.P. for Resp. - State.

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CORAM : V.M.DESHPANDE, J.

DATE : 5th MAY, 2015

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PER COURT :

1. At the out set, Mr. S.S.Thombre, learned counsel for the applicants submits that he wish to withdraw application for applicant No. 1 Vishal s/o Sundar Waghmare with liberty to file application for bail afresh before the learned trial Court after the charge sheet is filed. Liberty granted.

2. Application of applicant No. 1 Vishal s/o Sundar Waghmare is dismissed as withdrawn with the liberty as aforesaid.

3. In so far as application of applicant No. 2 Akshay s/o Rajesh Kokate is concerned, it is to be noted that injured Babasaheb has lodged F.I.R. on 22/03/2015 in respect of occurrence dated 21/03/2015. F.I.R. clearly attributes specific role against Sundar Waghmare and his son Vishal. Though in the F.I.R., name of applicant No. 2 Akshay is mentioned, however no role is attributed to him. Learned A.P.P. pointed out the statement of Sushil to point out that applicant No. 2 Akshay has also given blow by means of stone. Injury certificate of Babasaheb is available on record. It shows injuries on the temporal region and also on the leg which can be clearly attributed to Vishal and Sundar. In that view of the matter, applicant No. 2 Akshay can be released on bail.

4. Hence, I pass the following order :

(i) Present Criminal Application is partly allowed.

(ii) Application of applicant No. 1 Vishal s/o Sundar Waghmare is dismissed as withdrawn with liberty to file application for bail afresh before the learned trial Court after the charge sheet is filed.

(iii) Application of applicant No. 2 Akshay s/o Rajesh Kokate is allowed. He be released on bail in connection with Crime No. 27/2015

registered with police station Peth, Beed, Dist. Beed for the offences punishable u/s 307,325,336,337,341,147,148,149,323 of the Indian Penal Code on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with one solvent surety of like amount. Bail before the trial Court.

(iv) Applicant No. 2 Akshay s/o Rajesh Kokate shall attend police station Peth, Beed once in a week preferably on every Sunday between 3.00 p.m. and 4.00 p.m. till charge sheet is filed.

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

[V.M.DESHPANDE, J.]