

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

CRIMINAL APPLICATION NO. 2189 OF 2015

Nikhil s/o Abasaheb Samberao **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. R.V.Gore, Advocate for Applicant.

Mrs. V.A.Shinde, 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. By the Present application, applicant is seeking his release on bail, who is arrested in connection with Crime No. 72/2015 registered with police station Kranti Chowk, Aurangabad, Dist. Aurangabad for the offences punishable u/s 307,143,147,148,149 of the Indian Penal Code.

2. Heard Mr. R.V.Gore, learned Counsel for the applicant and Mrs. V.A.Shinde, learned A.P.P. for respondent – State.

3. Date of incident is 12/02/2015. The occurrence is at 11.30 p.m. F.I.R. was lodged on 13/02/2015. The

injured is first informant. According to F.I.R., on 12/02/2015, first informant along with his friend Pravin Kuber were proceeding from Nageshwarwadi to his house by motorcycle, that time near Zhashi Rani chowk, 4 – 5 persons were making assault on one unknown person. Therefore, first informant and his friend Pravin tried to intervene in the said quarrel. Upon that, the persons who were making assault, started assaulting first informant and his friend. A person who was holding 'Gupti', has made assault on the thigh, buttock and the shoulder of the first informant. Thereafter, other persons called assailant as Sambhaji Bhale and thereafter they ran away.

4. Thus, it is clear from the F.I.R. that the role is ascribed against Sambhaji Bhale and not against the present applicant.

5. Further, learned A.P.P. has fairly stated that though charge sheet is not filed, the investigation is already over and the formality of filing charge sheet only remained. She further stated that there is nothing incriminating available against the present applicant. There is no recovery at his instance. Thus, further continuance in the custody of the present applicant is not required.

6. It is to be mentioned here that the similarly placed accused Rushikesh Choudhari is already released on bail on 08/04/2015 in Criminal Application No. 1630 of 2015. In that view of the matter, present applicant is also entitled to

be released on bail on the principle of parity.

7. Hence, I pass the following order :

(i) Present Criminal Application is hereby allowed.

(ii) Applicant Nikhil s/o Abasaheb Samberao be released on bail in connection with Crime No. 72/2015 registered with police station Kranti Chowk, Aurangabad, Dist. Aurangabad for the offences punishable u/s 307,143,147,148,149 of the Indian Penal Code on he executing P.R.Bond of Rs. 10,000/- [Rupees Ten Thousand] with two solvent sureties of like amount. Bail before the trial Court.

(iii) Present applicant shall attend police station Kranti Chowk, Aurangabad once in a week preferably on every Saturday between 3.00 p.m. and 4.00 p.m. till charge sheet is filed.

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

[V.M.DESHPANDE, J.]