

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

CRIMINAL APPLICATION NO. 2338 OF 2015

Venkat s/o Gopinath Rasal & Anr.

.... **APPLICANTS**

V E R S U S

The State of Maharashtra

.... **RESPONDENT**

.....

Mr. S.P.Katneshwarkar, Advocate for Applicants.

Mr. U.S.Mote, A.P.P. for Resp. – State.

Mr. A.R.Syed, Advocate for first informant.

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CORAM : V.M.DESHPANDE, J.

DATE : 1st JULY, 2015

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PER COURT :

1. This is an application for grant of anticipatory bail since the applicants are apprehending their arrest in connection with Crime No. 31/2015 registered with Bhada police station, Dist. Latur for the offences punishable u/s 307,323,504 read with 34 of the Indian Penal Code.

2. Heard Mr. S.P.Katneshwarkar, learned counsel for the applicants, Mr. U.S.Mote, learned A.P.P. for respondent – State and Mr. A.R.Syed, learned counsel for the first informant. Mr. A.R.Syed, learned counsel for the first informant has vehemently argued the case on behalf of the first informant and opposed the application for anticipatory

bail.

3. For the same incidence, two F.I.R. are registered. First F.I.R. is lodged by the present applicant No. 1 Venkat against present first informant, in which the applicants are seeking anticipatory bail. F.I.R. lodged by the applicant No. 1 is registered as Crime No. 30/2015 for the offences punishable u/s 452,421,143,147,148,149 of the Indian Penal Code and u/s 3 (i)(x) of the Scheduled Castes and the Scheduled Tribes [Prevention of Atrocities] Act.

4. Subsequently, for the same incidence, Riyaz Shaikh has lodged F.I.R. i.e. Crime No. 31/2015. In the said F.I.R., nature of accusations against present applicant No. 1 Venkat are that he caught hold the injured Majid and co-accused Amol gave rod blow on his head. In so far as role of applicant No. 2 Narayan @ Lalu s/o Zumbar Rasal is concerned, according to F.I.R., he has given stick blow on the right palm of the first informant.

5. It is reported that Majid and the present first informant were arrested in Crime No. 30/2015 and they are released on bail.

6. Main accused Amol is already arrested. Learned A.P.P. submitted that the recovery of rod is already made from Amol. Looking to the nature of accusations that applicant No. 1 has only caught hold and Amol has given rod blow, said rod is already seized by the Investigating Officer and looking to

the nature of the accusations and the part of the body which the applicant No. 2 has chosen for giving stick blow, as alleged by the first informant, in my considered view, present applicants have made out case for grant of anticipatory bail since their custodial presence is not warranted. That leads me to pass the following order :

- (i) Present Criminal Application is hereby allowed.
- (ii) In the event of arrest, in connection with Crime No. 31/2015 registered with Bhada police station, Dist. Latur for the offences punishable u/s 307,323,504 read with 34 of the Indian Penal Code, applicant No. 1 Venkat s/o Gopinath Rasaland applicant No. 2 Narayan @ Lalu s/o Zumbar Rasal 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 Criminal Application is disposed of.

[V.M.DESHPANDE, J.]