

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

CRIMINAL APPLICATION NO. 2660 OF 2015

Sharad s/o Sampat Patole APPLICANT

V E R S U S

The State of Maharashtra RESPONDENT

WITH

CRIMINAL APPLICATION NO. 2670 OF 2015

Raoji s/o Bhika Patole & Anr. APPLICANTS

V E R S U S

The State of Maharashtra RESPONDENT

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

Mrs. Pratibha Bharad, A.P.P. for Resp. – State.
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CORAM : V.M.DESHPANDE, J.

DATE : 12th JUNE, 2015
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PER COURT :

1. These are the two Criminal Applications arising out of Crime No. 62/2015 registered with Taluka police station Sangamner, Dist. Ahmednagar for the offences

punishable u/s 307,143,147,148,149,323,504,506 read with 34 of the Indian Penal Code. Therefore, these two Criminal Applications can be decided by this common order.

2. At the out set, learned counsel for the applicant submitted that he wish to withdraw Criminal Application No. 2660 of 2015 and also Criminal Application No. 2670 of 2015 to the extent of applicant Raoji s/o Bhika Patole. Prayer accepted.

3. Heard Mr. V.R.Autade, learned counsel for the applicants, Mrs. Pratibha Bharad, learned A.P.P. for respondent – State in both these Criminal Applications and Mr. A.S.Kale, learned counsel for the first informant.

4. In Criminal Application No. 2670 of 2015, applicant No. 2 Raosaheb Raoji Patole and applicant No. 3 Bhausaheb Raoji Patole are apprehending their arrest in connection with the aforesaid crime.

5. F.I.R. is lodged by Bhausaheb Uttam Raut with the police station. Bhausaheb Raut is an employee of injured Kartik. After perusal of the F.I.R. and the other material which is available with the learned A.P.P., it is clear that the injuries which are suffered by injured Kartik and also by the first informant are due to the hard and blunt object. In so far as applicants Rausaheb and Bhausaheb are concerned, the allegations against them are that they have given kick blows and fist blows. Therefore, it is crystal clear that the injuries

can not be attributed to these two applicants. In that view of the matter, their custody is not essential for further investigation. That leads me to pass the following order.

(i) Criminal Application No. 2660 of 2015 is dismissed as withdrawn.

(ii) Criminal Application No. 2670 of 2015 is dismissed as withdrawn to the extent of applicant Raoji s/o Bhika Patole.

(iii) In the event of arrest, in connection with Crime No. 62/2015 registered with Taluka police station Sangamner, Dist. Ahmednagar for the offences punishable u/s 307,143,147,148,149, 323,504,506 read with 34 of the Indian Penal Code, applicant No. 2 Raosaheb Raoji Patole and applicant No. 3 Bhausaheb Raoji Patole 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.

(iv) Applicant No. 2 Raosaheb Raoji Patole and applicant No. 3 Bhausaheb Raoji Patole shall not tamper the prosecution case.

(v) Applicant No. 2 Raosaheb Raoji Patole and applicant No. 3 Bhausaheb Raoji Patole shall attend Taluka police station Sangamner, Dist.

Ahmednagar once in a fortnight preferably on every Sunday between 3.00 – 5.00 p.m. till the charge sheet is filed.

(vi) Both the present Criminal Applications are disposed of.

[V.M.DESHPANDE, J.]