

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2679 OF 2015

[Ashish s/o Purushottam Somani 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 S.S.Rathi, advocate for applicants
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 3rd July, 2015

PER COURT :-

1] This is an application for anticipatory bail, since the applicants, who are son and father, are apprehending their arrest, in connection with Crime No.69 of 2015, registered at Pathri police station, District Parbhani, for the offences punishable under Sections 392 r/w 34 of the Indian Penal Code.

2] I have heard Shri S.S.Rathi, learned counsel for the applicant and Smt. S.G.Chincholkar, learned Additional Public Prosecutor for the respondent/State.

3] In view of earlier order passed by this court on 16.6.2015, learned Additional Public Prosecutor has made available the entire investigation papers of Crime No. 68 of 2015. Crime No. 68 of 2015 is registered against the present applicant no.1. The said first information report is lodged

against Laxmikanth, brother of the present first informant of Crime No. 69 of 2015, in which the present applicants are seeking anticipatory bail.

4] Investigation papers of Crime No. 68 of 2015 show that applicant no.1 has received injury on the vital part of his body and he was referred to the hospital. Time of occurrence of Crime No. 69 of 2015 is 16.30 hours on 3.5.2015; whereas time of occurrence of Crime No. 68 of 2015 is 18.30 hours on 3.5.2015. Thus, if prima facie Crime 69 of 2015 is to be believed, the occurrence is prior than the occurrence in Crime No. 68 of 2015. However, Crime No. 69 of 2015 is reported to the police station on 4.5.2015 at 00.30 hours; whereas Crime No. 68 of 2015 in which applicant no.1 is injured is reported to the police station on 4.5.2015 at 00.10 hours. It is to be noted that applicant no.1 was referred to the hospital by the police authorities. This fact clearly shows that at least prima facie Crime No. 69 of 2015 is nothing but a counter blast to Crime No. 68 of 2015 wherein the brother of the first information in Crime No. 69 of 2015 is facing serious charges.

5] Further while granting ad-interim anticipatory bail in favour of present applicants by the Hon'ble Vacation Judge on 22.5.2015, direction was given to the present applicants to attend the police station as and when required. Till today, there is no dispute and/or any complaint from the prosecuting agency that the present applicants have flouted the conditions imposed upon them while releasing them on anticipatory bail. That leads me to pass following order.

ORDER

(i) Application is allowed.

- (ii) Applicant no.1- Ashish s/o Purushottam Somani and applicant no.2-Purushottam Gangabhishanji Somani, in the event of their arrest, in connection with Crime No.69 of 2015, registered at Pathri police station, District Parbhani, for the offences punishable under Sections 392 r/w 34 of the Indian Penal Code, be released on anticipatory bail on they each executing P.R. bond of Rs. 15,000/- with one solvent surety in the like amount by each of them.
- (iii) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2679.15