

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2680 OF 2015**[Rajendra Trimbak Budhwant and others 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 V.D.Hon, Senior Counsel i/b
Shri A.V.Hon, advocate for applicants
Shri U.S.Mote, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.**DATED : 18th June, 2015****PER COURT :-**

1] The applicants are seeking pre-arrest bail since they apprehend their arrest in connection with Crime No. 153 of 2015, for the offences punishable under Sections 143, 147, 148, 326, 323, 447, 504, 506 of the Indian Penal Code, registered with Police Station Pathardi, District Ahmednagar.

2] I have heard Shri V.D.Hon, learned Senior counsel i/b Shri A.V.Hon, learned counsel for the applicants and Shri U.S.Mote, learned Additional Public Prosecutor.

3] Learned Senior Counsel has invited my attention that the applicant Sushila Rajendra Budhwant has filed first information report with the police station. The said Sushila is applicant no.10 in the present application. On the basis of her first information report, Crime No. 150 of 2015 was registered for the offences punishable under Sections 143, 147, 149, 341, 354, 504, 506 of the Indian Penal Code. The alleged incident in the said first information report is dated 4.5.2015.

4] The present first information report, in which the applicants are seeking their pre-arrest bail is also for the incident dated 4.5.2015.

Thus it is clear that for the same incident two distinct first information reports are registered. The first information report filed by applicant no.10 is first in point of time. The first information report, on the basis of which Crime No. 153 of 2015 is registered, is lodged by Mandbai, who claims that she has been injured on account of assault made on 4.5.2015.

5] Learned Additional Public Prosecutor pointed out that there is injury certificate. I have perused the said injury certificate. Firstly, it is to be noted that the alleged incident is dated 4.5.2015, wherein Mandabai is claiming that she was assaulted. The said first information report is lodged on 6.5.2015. Thus, there is delay of two days in filing the first information report. Further, the first information report lodged by applicant no.10 is dated 4.5.2015 itself. Further, injury certificate is given by private doctor, who himself has stated in the said certificate that the injury "seems" to be of grievous in nature.

6] In view of the fact of filing of the first information report belatedly and for the same incident first information report lodged by applicant no.10 Sushilabai is first in time, the applicants can be protected by interim order. That leads me to pass the following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicants-Rajendra Trimbak Budhwant, Ganesh Nivrutti Budhwant, Kondiram Prabhakar Budhwant, Sampat Bhausahab Bhatane, Bhausahab Vilas Bhatane, Sharad Bhausahab Bhatane, Lalita Baban Budhwant, Ashwini

Kondiram Budhwant, Babasaheb Baban Budhwant, Sushila Rajendra Budhwant, Chhabubai Bhausaheb Bhatane, Jyoti Baban Budhwant, Ashwini Ganesh Budhwant, in the event of their arrest, in connection with Crime No. 153 of 2015, for the offences punishable under Sections 143, 147, 148, 326, 323, 447, 504, 506 of the Indian Penal Code, registered with Police Station Pathardi, District Ahmednagar, 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) Applicants shall attend police station as and when required by the investigating officer, however, for that the investigating officer shall serve upon them the written communication giving them 24 hours notice.

(iv) With these observations, application is disposed of.

(V.M.DESHPANDE, J.)

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