

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2714 OF 2015.

PANDURANG S/O WAMANRAO SURYAWANSHI.
VERSUS
THE STATE OF MAHARASHTRA.

Appearance ==>

Mr. V.D. Salunke, Advocate for the Applicant.

Mr. U.S. Mote, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 8th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of anticipatory bail, since he is apprehending his arrest in connection with CR No. 50/2015 registered with Police Station, Bori, Taluka – Jintur, District – Parbhani for the offences punishable under Section/s 307, 326, 324, 504, 506, 143, 147, 148, 149, 109 of the Indian Penal Code, 1860 and under Section 135 of the Bombay Police Act.

[2] After hearing the learned counsel for the Applicant and the learned Additional Public Prosecutor for the State, it appears that in so far as agricultural land Gat No.565 situated at village Kausadi, Taluka – Jintur, District – Parbhani, two persons, namely Pralhad Narayan Bahirat and Rafioodin Samioodin Khatib, who is the First Informant in CR No.50/15 were claiming to be in possession of that particular agricultural property as tenant.

[3] Pralhad lodged report (CR No.47/15) with the Police Station, Bori, Taluka – Jintur, on 23rd April, 2015 against Rafioodin, the present First Informant and others for the offences punishable under Section/s 302, 307, 326, 324, 325, 447, 323, 504, 506, 147, 148, 149 of the Indian Penal Code, 1860 and under Section 135 of the Bombay Police Act.

[4] For the same incident, Rafioodin has filed present First Information Report i.e. CR No.50/16 against Pralhad and others, including the present applicant on 28th April, 2015. Thus, there is delay of five days, in lodging the first information report. Further the F.I.R. lodged by Rafioodin, in which present applicant is seeking anticipatory bail, clearly reveals that, the First Informant was assaulted by means of an axe by one Sadashiv; whereas co-brother – Nasiruddin was also assaulted by means of stick by Gopal. First Information Report or other papers does not disclose role against the present applicant that he has made any assault. Role attributed to present applicant is of instigation alone. The learned counsel further points out that other 14 accused persons are already released on anticipatory bail by the learned trial court.

[5] Since the role of assault is attributed to Sadashiv and Gopal and allegations in so far as present applicant is of only instigation, anticipatory bail can be granted that leads me to pass the following order :-

ORDER

(i) Criminal Application is allowed.

(ii) In the event of arrest, applicant - PANDURANG S/O WAMANRAO SURYAWANSHI shall be released on anticipatory bail on he executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] with two solvent sureties in the like amount, in connection with CR

No. 50/2015 registered with Police Station, Bori, Taluka – Jintur, District – Parbhani for the offences punishable under Section/s 307, 326, 324, 504, 506, 143, 147, 148, 149, 109 of the Indian Penal Code, 1860 and under Section 135 of the Bombay Police Act.

(iii) The applicant shall attend the Police Station, Bori, Taluka – Jintur, District – Parbhani once in a week, preferably on every Saturday and shall remain present in the Police Station between 10.00 a.m. to 12.00 Noon, till charge sheet is filed.

(V.M. DESHPANDE, J.)