

FARAD CONTINUATION SHEET NO.

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

CRIMINAL APPLICATION NO. 2898 OF 2015
[Dattu s/o Kamalu Rathod 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 P.M.Nagargoje, advocate h/f
Shri D.S.Mali, advocate for applicant
Shri V.H.Dighe, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.
DATED : 10th July, 2015

PER COURT :-

- 1] Heard Shri P.M.Nagargoje, advocate holding for Shri D.S.Mali, learned counsel for applicant and Shri V.H.Dighe, learned Additional Public Prosecutor for respondent/State.
- 2] The applicant in the present application is claiming anticipatory bail, since he is apprehending his arrest in connection with Crime No. 234 of 2014, registered with Omerga police station, District Osmanabad, for the offences punishable under Sections 307, 143, 147, 148, 149, 504 of the Indian Penal Code and under Section 135 of the Bombay Police Act.
- 3] The first information report is lodged by Rajendra Balkunde, who was one of the injured. Another injured is one Prabhuling Balkunde. The first information report is lodged against the present applicant and six named persons and other 10-12 unknown persons.
- 4] At this stage, the court would like to mention the fact that 7 co-accused filed two different criminal applications before this court bearing Criminal Application No. 5876 of

2014 and Criminal Application No. 6500 of 2014.

Out of these two applications, Criminal Application No. 5876 of 2014 was for regular bail; whereas Criminal Application No. 6500 of 2014 was for anticipatory bail.

It was pointed out to this court that investigation was complete and in fact the warring groups have already settled their dispute.

This court considered the aspect of settlement between the complainant and the accused persons.

5] Looking to the fact that the complainant has already buried the dispute with the present applicant in order to buy peace in the village and which is already acted upon by this court in Criminal Application No.6500 of 2014, without going into the merits of the matter and looking to the fact that investigation is already over, the present applicant can be protected by the order of anticipatory bail. Hence, I pass following order.

ORDER

- (i) Criminal Application is allowed.
- (ii) Applicant-Dattu s/o Kamalu Rathod, in the event of his arrest, in connection with Crime No. 234 of 2014, registered with Omerga police station, District Osmanabad, for the offences punishable under Sections 307, 143, 147, 148, 149, 504 of the Indian Penal Code and under Section 135 of the Bombay Police Act, be released on anticipatory bail, on he executing P.R.bond of Rs.10,000/- with one solvent surety in the like amount.
- (iii) Applicant-Dattu shall attend police station Omerga, District Osmanabad twice a week, preferably on every Sunday and Tuesday in between 3.00 p.m. to 5.00 p.m. till the charge

sheet is filed.

(iv) After filing of the charge sheet, the applicant shall appear before the learned trial court to secure regular bail from the trial court.

(v) Application is disposed of.

(V.M.DESHPANDE, J.)

dbm/crap2898.15