

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL APPLICATION NO. 2950 OF 2015**

1. Subhash s/o Vinayak Kakade ... **Applicants**
Age 45 Years, Occupation: Agri.,
2. Jagan s/o Vinayak kakade
Age 35 years, Occupation: Agriculture
Both r/o Shivrai Taluka Kannad
District Aurangabad

Versus

The State of Maharashtra ... **Respondent**
Through the Police Inspector,
Police Station, Kannad, District:Aurangabad

Mr. Arun S. Shejwal, Advocate for the applicants
Mrs. Pratibha Bharad, APP for the Respondent-State.

CORAM : V. M. DESHPANDE, J.**DATE : 29th June, 2015****PER COURT :**

1. Heard Mr. Arun Shejwal, learned counsel for the applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

2. The present application is filed by the applicants for their release on bail since they are in jail in connection with Crime No. I-105/2015 registered with Police Station Kannad, District Aurangabad for the offences punishable under Sections 307, 323, 143, 147, 148,

149 of the Indian Penal Code, 1860.

3. The present applicants and the first informant are real brothers. Each of them are having agricultural property. In the agricultural field of the first informant Bhau, there are four mango trees. According to the first informant, the present applicants Subhash and Jagan came to the said tree and said that they want to take mangoes from the trees which was objected by the first informant. According to the first informant, therefore the first informant was attacked by the present applicants.

4. During the course of investigation, sharp side of Axe was found lying on the spot and it is also seized. When the applicants were in police custody remand, no recovery is made from the applicants. Injury certificate of Bhau shows four lacerated wound and they are simple in nature. The first informant was not admitted in the hospital even for a single day. Further, the investigation paper shows that though the charge sheet is not filed, entire investigation is nearly completed. Further, since the nothing is seized from the present applicants and looking to the nature of the injuries the applicants need to be released on bail. That leads me to pass following order:

ORDER

- i. Criminal Application No. 2950 of 2015 is allowed.
- ii. Applicants Subhash s/o Vinayak Kakade and Jagan s/o Vinayak Kakade shall be released on bail in connection with Crime No. I-105/2015 registered with Police Station Kannad, District Aurangabad for the offences punishable under Sections 307, 323, 143, 147, 148, 149 of the Indian Penal Code, 1860 on their executing P.R. Bond of Rs.10000/- (Rs. Ten Thousand only) each with two solvent sureties in the like amount. Bail before the trial Court.
- iii. The applicants shall attend the police station twice a week, preferably on every Sunday and every Tuesday between 2 p.m. and 5 p.m. till the charge is framed.
- iv. The applicants shall not indulge in any such activities resulting into any type of physical hurt to the first informant.
- v. With this the application is disposed of.

(V. M. DESHPANDE, J.)

JPC